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SCOTTISH BORDERS COUNCIL
THURSDAY, 16 DECEMBER, 2021

A MEETING of the SCOTTISH BORDERS COUNCIL will be held via MS TEAMS on THURSDAY,

16 DECEMBER, 2021 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,
9 December 2021

	BUSINESS	
1.	**Convener's Remarks.**	
2.	**Apologies for Absence.**	
3.	**Order of Business.**	
4.	**Declarations of Interest.**	
5.	**Minute** (Pages 5 - 16) Consider Minute of Scottish Borders Council held on 25 November 2021 for approval and signing by the Convener. (Copy attached.)	2 mins
6.	**Committee Minutes** Consider Minutes of the following Committees:- (a) Local Review Body 18 October 2021 (b) Eildon Area Partnership 11 November 2021 (c) Executive 16 November 2021 (d) Teviot & Liddesdale Area Partnership 16 November 2021 (e) Chambers Institution Trust 17 November 2021 (f) Community Planning Strategic Board 18 November 2021 (g) Audit & Scrutiny 22 November 2021 (Please see separate Supplement containing the public Committee Minutes.)	5 mins
7.	**Long Term Financial Strategy** (Pages 17 - 26) Consider report by Director, Finance & Corporate Governance.	15 mins
8.	**Risk Management Policy and Strategy** (Pages 27 - 42) Consider report by Chief Officer, Audit & Risk.	15 mins
9.	**Counter Fraud Policy and Strategy** (Pages 43 - 54) Consider report by Chief Officer, Audit & Risk.	15 mins

10.	**Shared Internal Audit Services and Proposed Way Forward 2022/23**	15 mins
	Consider report by Chief Officer Audit & Risk. (Copy attached.)	
11.	**Gypsy/Traveller Provision in the Scottish Borders** (Pages 55 - 338)	15 mins
	Consider report by Director Social Work and Practice. (Copy attached.)	
12.	**20 mph Road to Permanence** (Pages 339 - 346)	20 mins
	Consider report by Director, Infrastructure & Environment.	
13.	**Motion by Councillor Rowley** (Pages 347 - 348)	5 mins
	Consider Motion by Councillor Rowley as detailed in the attached document. (Copy attached.)	
14.	**Motion by Councillor A. Anderson**	5 mins
	Consider Motion by Councillor A. Anderson in the following terms:- "In recognition of the massive response from the third sector, community groups and individuals to the Covid-19 pandemic, this council recognises the contribution that its employees can make to the wider community, by enabling the Council to 'give something back' to these groups, while at the same time enhancing learning and development opportunities for its employees. This Council therefore supports the principle of employer-supported volunteering and will investigate how and where this can be implemented."	
15.	**Open Questions**	15 mins
16.	**Any Other Items Previously Circulated**	
17.	**Any Other Items Which the Convener Decides Are Urgent**	
18.	**Private Business**	
	Before proceeding with the private business, the following motion should be approved:- "That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act."	
19.	**Minute** (Pages 349 - 350)	1 mins
	Consider private Section of Minute of Scottish Borders Council held on 25 November 2021. (Copy attached.)	
20.	**Committee Minutes** (Pages 351 - 352)	1 mins
	Consider private Section of the Minute of the Chambers Institution Trust held on 17 November 2021. (Copy attached.)	
21.	**Bridge Homes Disposal Strategy** (Pages 353 - 360)	15 mins

	Consider joint report by Director, Finance & Corporate Governance, and Director, Infrastructure & Environment.	

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**

2. **Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Please direct any enquiries to Louise McGeoch Tel 01835 825005
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SCOTTISH BORDERS COUNCIL

MINUTE of MEETING of the SCOTTISH BORDERS COUNCIL held in Council Headquarters, Newtown St. Boswells on 25 November 2021 at 10.00 a.m.

Present:- Councillors D. Parker (Convener), S. Aitchison, A. Anderson, H. Anderson, J. Brown, S. Bell, K. Chapman, C. Cochrane, G. Edgar, J. A. Fullarton, J. Greenwell, C. Hamilton (from paragraph 4), S. Hamilton, S. Haslam, E. Jardine, H. Laing, J. Linehan, S. Marshall, W. McAteer, T. Miers, D. Moffat, S. Mountford, D. Paterson, C. Ramage, N. Richards, E. Robson, M. Rowley, H. Scott, S. Scott, E. Small, R. Tatler, E. Thornton-Nicol, G. Turnbull, T. Weatherston

In Attendance:- Chief Executive, Director Finance & Corporate Governance, Director Infrastructure & Environment, Director Resilient Communities, Director Social Work & Practice, Director Strategic Commissioning & Partnerships, Chief Officer Health & Social Care Integration, Chief Legal Officer, Clerk to the Council.

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1. **CONVENER'S REMARKS**

1.1 The Convener congratulated the following:-

   (a) Fiona Henderson School of Dance who won 'Dance School of the Year' Award which was a UK wide competition;

   (b) Jim Clark Motorsport Museum was a runner up at the SPACES Awards on 10 November in the Small Project Category;

   (c) Councillor Jardine won the Resilience and Recovery category for his work during the Covid pandemic at the LGIU & CCLA Councillor Awards, Councillor Chapman was highly commended in the New Councillor category for his work with young people. Councillor S. Scott had been nominated for the Lifetime contribution; and

   (d) Scottish Borders Council had won the Client of the Year category at the Learning Places Scotland Awards 2021, having been nominated by BAM, the main contractor for the scheme.

   DECISION
   AGREED that congratulations be passed to those concerned.

1.2 With reference to paragraph 1.4 of the Minute of 23 September 2021, the Chief Executive updated Members on the progress of Andrew Webster QC. It had been hoped that his investigation would have been completed. However, despite having interviewed a number of parents, employees and former employees and received a number of written submissions further work was needed. The Chief Executive read out a letter from Mr Webster explaining his position. The expected completion date was now the end of January 2022 and given the importance of the subject the Chief Executive advised that there would need to be additional special meetings of Council held to deal with the report. In response to a question from Councillor McAteer she confirmed that the terms of reference for Mr Webster remained unchanged.

   DECISION
   NOTED the position.

2. **MINUTE**
   The Minute of the Meeting held on 28 October 2021 was considered.

DECISION

AGREED that the Minute be approved and signed by the Convener.

3.   **COMMITTEE MINUTES**
     The Minutes of the following Committees had been circulated:-

Local Review Body	13 September 2021
Cheviot Area Partnership	22 September 2021
Tweeddale Area Partnership	27 September 2021
Pension Board	28 September 2021
Hawick Common Good Fund	4 October 2021
Executive	5 October 2021
Audit and Scrutiny	5 October 2021
Chambers Institution Trust	6 October 2021
Pension Fund Committee	20 October 2021
Pension Fund Board	20 October 2021
Audit and Scrutiny	21 October 2021
Tweeddale Area Partnership	2 November 2021

DECISION
APPROVED the Minutes listed above.

4.   **APPOINTMENT OF LEADER**
     Following the resignation of Councillor Haslam as Leader of the Council, Councillor Mountford, seconded by Councillor Aitchison, moved that Councillor Rowley be appointed as Leader of the Council and this was unanimously agreed. Councillors Mountford, Aitchison, Bell, Robson, H. Scott and the Convener all thanked Councillor Haslam for her work as Leader and spoke in support of the appointment of Councillor Rowley. Councillor Rowley thanked Council for his appointment as Leader and paid tribute to Councillor Haslam. He advised that any changes to appointments resulting from his appointment would be brought to Council at the meeting on 16 December.

DECISION
AGREED that Councillor Rowley be appointed as Leader of the Council with immediate effect.

5.   **BRIDGE HOMES LLP ANNUAL ACCOUNTS TO 31 MARCH 2021**
     With reference to paragraph 5 of the Minute of 28 October 2021, there had been circulated copies of the final accounts in respect of Bridge Homes LLP which had now been signed off by the auditors, KPMG. An unqualified Audit opinion had been received and the Audit and Scrutiny Committee had also reviewed the accounts and had nothing to add.

DECISION
AGREED to approve the audited accounts for the year to 31 March 29021 in respect of Bridge Homes LLP.

6.   **LOCAL DEVELOPMENT PLAN - DEVELOPMENT PLAN SCHEME 2021**
     There had been circulated copies of a report by the Director Infrastructure and Environment providing the annual update of the Development Plan Scheme. The report explained that publishing a Development Plan Scheme annually was a statutory duty and it must include a participation statement setting out how, when and with whom the Council would consult on the various Local Development Plan stages. The proposed Development Plan Scheme 2021, which was contained in Appendix 1 to the report, had been prepared to provide information on the development plan process. It set out the latest position on the Council's development plans. Once approved the Plan would be sent to Scottish Ministers. Members noted the significant number of consultation responses which had been received and the complexity of dealing with these during the pandemic. Councillor Rowley proposed that the

second recommendation be amended to include consultation with the Executive Member and this was unanimously accepted. It was noted that the next report would be brought to Council in February 2022.

DECISION
AGREED to:-

(a) **approve the proposed Development Plan Scheme 2021, as detailed in Appendix 1 to the report , for publication, deposit and copying to Scottish Ministers, and;**

(b) **authorise the Director Infrastructure and Environment, in consultation with the Executive Member for Enhancing the Built Environment and Natural Heritage, to make any necessary minor editing and design changes to the Development Plan Scheme prior to publication.**

7. **TWEEDBANK CARE VILLAGE**
7.1 There had been circulated copies of a report by the Chief Officer Health and Social Care Integration presenting the Outline Business Case for change and seeking approval to progress the innovative Care Village development at Tweedbank, Central Borders, as the first Borders Care Village. The report explained that in 2020, Senior Managers and Elected Members visited and assessed new visions for care facilities, including the Hogeweyk development in the Netherlands. The Council then commenced design works for Care Villages in Tweedbank and Hawick and the Revenue and Capital Investment Plan approved in March 2020 included a £22.679m allocation for "new residential care provision" for Tweedbank and Hawick. Consultations and work undertaken by the Council and the Health and Social Care Partnership (HSCP) concluded that a different model of care was required. The concept of the Care Village model supported unique needs, lifestyles and personal preferences for living, care and well-being for people living mainly with severe dementia and frailty. In addition, a model that could also adapt and meet specific local demand for a range of residential care that included: respite, intermediate, nursing and specialist care. The Care Inspectorate strongly encouraged innovation and diversity in future care provision and wished to encourage care providers and commissioners to provide care on a smaller unit scale. Following the lessons learned with regards infrastructure during the Covid 19 Pandemic it was expected that further more stringent demands on the fabric of residential care provision, to meet infection control measures would be expected. The Care Village concept would ensure a building which met the highest standards of infection control in line with new guidance. Additionally there was a pressing need to address and improve the current estate to meet these expected demands. Work had been ongoing to identify suitable sites for the two new Care Villages. A site had recently been agreed within the Hawick area which was the focus of a separate paper and Outline Business Case. A possible site had also been identified and to progress an Outline business case for the inclusion of a Care Village within the Tweedbank site.

7.2 This Tweedbank site was central within the Borders and offered the correct range of opportunities, partnerships resources and delivery of outcomes required for such a provision. The Care Village would form part of the overall expansion of Tweedbank in line with the approved Supplementary Planning Guidance including private, social and assisted living housing, neighbourhood centre and business zones. The Care Village itself would complement the wider developments and also contain an element of community based spaces and functions at the centre of the Village to ensure that the ethos of the village being at the heart of thriving residential area was delivered. The key factors included: location, strategic fit with the capital master plan, with very close proximity to the Borders General Hospital, (BGH). This proposal also provided further opportunities to support additional developments with two third sector partners. Aberlour were a well-respected provider for children's services and wished to expand their input to support vulnerable children through a new centre which could be accommodated within the Tweedbank initiative. Cornerstone had been working for a number of years with the Learning Disability service for adults to find a site for a residential provision for adults with extreme complex needs and again Tweedbank

could provide an excellent location for this resource, this would enable people previously placed outside of the Borders, to return to their home setting. These two developments would enhance the Care Village model.

7.3   Mr Myers answered Members' questions and agreed to replace any reference to "elderly" with "older people". With regard to the Hawick development, a full option appraisal would be required covering 4 sites and a report would come to Council in Spring 2022 with the preferred site and business case. Members discussed the proposals in detail and looked forward to receiving the full Business Case. Some concerns were expressed regarding the Care Village becoming an institution and the need for smaller units than were being proposed. Officers assured Members that the aim was to make the development as homely as possible, with the aim always to care for people in their own homes as long as possible until their needs changed to require a different setting. The decommissioning of Waverley Care Home and Garden View was planned to be carried out in tandem with the opening of the care village.

DECISION
AGREED to:-

(a)   approve the timeline to proceed with the development of a full business case and design brief of a Care Village at the Tweedbank site, within the central locality of Eildon with a full business case submitted to Council by Summer 2022;

(b)   approve that both Waverley Care Home (24 beds) and Garden View Intermediate Care Home (25 beds) operated by SBC were decommissioned and closed to secure revenue funding to provide for the Tweedbank Care Village;

(c)   to note that an outline business case will be brought forward in spring 2022 for a Care Village provision within Hawick.

8.   **SOCIAL WORK NON RESIDENTIAL CHARGING POLICY**
8.1   There had been circulated copies of a report by the Director of Social Work and Practice detailing the public feedback from the recent consultation and proposed changes to the Charging Policy for Non-Residential and Residential Care Services.   The report explained that each year, the Convention of Scottish Local Authorities (COSLA) produced guidance on the principles that underpinned local authority charging policies. The COSLA Guidance was subject to revision annually or as policy developed. As a result, Scottish Borders Council reviewed its non-residential care charging policy every year. Income generated by contributions people made through the charging policy enabled the council to continue providing a service to people who had an assessed need and ensured the development and delivery of high quality services. There was a range of changes consulted on and a complete rewrite of the actual policy was proposed to ensure the policy was more accessible and easy to read. A public consultation, which concluded on the 17 October 2021, explored how people viewed proposed changes. These changes intended to improve equity in respect of Financial Assessments, Extra Care Housing Charges and Sheltered Housing Charges. The consultation also sought views on the council's proposal to increase the level of payment people received for Direct Payment and Short Breaks Rates and addressed the linking of the cost of Meals at Home (Frozen Meals) charges to the national excel contract. The consultation covered the agreement reached by council last year, to apply an annual 5% increase to the taper rate. The proposal for financial year 2022/23 was to move from 70% to 75%. The consultation had been advertised across multiple channels and media, as outlined in appendix 1 to the report, and ran from 17/09/2021 to 17/10/2021. Postal returns were accepted until 20/10/21. There was a comprehensive range of activity resulting in 80 individuals engaging in the consultation process and 3 organisational responses.

8.2   Councillor Thornton-Nicol, seconded by Councillor H. Anderson, proposed as an amendment that recommendation (g) be reworded to read "a 5% increase in the taper rate for 2022/23

and a 5% annual increase until the taper rate reaches 90%". Councillor Thornton-Nicol spoke in support of her proposal.

8.3   Councillor Robson, seconded by Councillor Chapman, proposed a further amendment to reword recommendation (g) to read "a 5% increase in the taper rate for 2022/23" which would leave the taper rate at 75%. Councillor Robson spoke in support of his amendment.

8.4   In light of this second amendment, Councillor Bell requested an adjournment to allow his group to consider their position. The Convener agreed to this and adjourned the meeting for 15 minutes. When the meeting recommenced Councillor Thornton-Nicol withdrew her amendment advising that the decision should be left until the next Council term. Following that withdrawal Councillor Tatler, seconded by Councillor Haslam, moved that the 90% amendment be reinstated and recommendation (g) duly amended.

VOTE

A vote was then taken on the Motion by Councillor Tatler and the amendment by Councillor Robson as follows:-

Motion	-	*18 votes*
Amendment	-	*15 votes*

The Motion was accordingly carried.

DECISION
DECIDED to approve:-

(a)   **the continuation of a co-production approach to the development of the new Charging policy to be used from the 1st April 2022;**

(b)   **an evaluation of impact on the introduction of a single financial assessment process in specific chargeable matters e.g. Housing Support;**

(c)   **an evaluation of options for introducing an equal charge, with appropriate individual Financial Assessment, across current and future Extra Care Housing developments;**

(d)   **the introduction of equal charging, with appropriate Individual Financial Impact assessment, across all current and future Sheltered Housing (housing support) developments;**

(e)   **the linking of the Direct Payment rate to the Scottish Living Wage;**

(f)   **the linking of the Short Breaks Rate paid to unpaid carers to the Residential costs set by the Scottish Government;**

(g)   **a 5% increase in the taper rate for 2022/23 and a 5% annual increase until the taper rate reached 90%; and**

(h)   **the linking of meals at home charges to the national Excel contract.**

MEMBER
Councillor Linehan did not re-join the meeting after the adjournment

9. **CHAMBERS INSTITUTION TRUST MEMBERSHIP**
With reference to paragraph 9 of the Minute of 27 May 2021, there had been circulated copies of a report by the Director of Finance and Corporate Governance which had been brought in response to the motion agreed at Council on 27 May 2021 which called upon Officers to bring a report to Council regarding the Membership of the Chambers Institution Trust (CIT). That motion stated:-

"Scottish Borders Council requests that the Chief Executive brings a report to Council setting out the options and implications of including additional external members in the Chambers Institution Trust to supplement the existing governance arrangements."

Since that time an analysis of the options for adding lay trustees to the current Membership of the Trust had been undertaken. The history of the Trust had been considered as has the range of Counsel's Opinions which had been obtained by the Council over a number of years. Another Opinion of Senior Counsel was obtained to seek further clarity on certain issues. That Opinion was appended to the report. It was noted that those Counsel's Opinions all agreed that lay individuals could not be Property Owning Trustees. By necessity this would mean that appointing such lay trustees would add an additional layer to the current make-up of the Trust and would therefore add a level of complication. Further an examination of the possible role for such Lay Trustees identified that there was little decision making in which they could appropriately engage given they would be neither vested in the property, nor vested in the statutory authority to act as library or museum authority. It was therefore proposed that the Council leave the position as it was and did not appoint lay Trustees to the CIT. It also recommended that a public engagement opportunity should be considered. Councillor Bell and Councillor Tatler as joint Chairmen of the Trust indicated their support for the recommendation to leave the membership of the Trust unchanged.

DECISION
AGREED to:-

(a)   leave the membership of the Trustees to the Chambers Institution Trust unchanged and not to appoint lay trustees; and

(b)   Invite the Chambers Institution Trustees to consider how best to engage with stakeholders in Peeblesshire about the Chambers Institution.

MEMBER
Councillor Linehan re-joined the meeting during consideration of the above item.

10. **SOUTH OF SCOTLAND ECONOMIC STRATEGY DELIVERY PLAN**
With reference to paragraph 5 of the Minute of 23 September 2021, there had been circulated copies of a report by the Director of Resilient Communities seeking the endorsement of the Delivery Plan for the South of Scotland Regional Economic Strategy, as contained in Appendix 1 to the report, which had been produced by the South of Scotland Regional Economic Partnership. The Partnership comprised members of Scottish Borders Council, Dumfries and Galloway Council, and South of Scotland Enterprise, together with members from business, communities, social enterprise, third sector, registered social landlords, young people and representatives from colleges, universities and public bodies. The Chair of the Partnership rotated annually (based on financial years) between Dumfries and Galloway Council and Scottish Borders Council. The current Chair of the Partnership was Councillor Rowley. Scottish Borders Council had been involved in every stage of the development of the Strategy and the Delivery Plan. The Delivery Plan was agreed by the Partnership at its meeting on 5 November 2021. The production of the Delivery Plan had involved a great deal of discussion and consultation with local, regional and national partners. It was a three year 'rolling' Plan with short, medium and long term actions that the South of Scotland Regional Economic Partnership would review annually. The actions in the Plan were aligned with the vision and priorities within the Strategy. They were grouped according to the main themes in the Strategy and there were some cross cutting actions. The main

organisations were identified for taking forward each action. There was a section in the Plan about the Measurement Framework. The Partnership had decided to take its time in developing this Framework to ensure that relevant outcome indicators were produced that could relate to the Strategy's priorities. Members welcomed the delivery plan.

DECISION
AGREED to:-

(a) **endorse the South of Scotland Regional Economic Strategy Delivery Plan as contained in Appendix 1 to the report: and**

(b) **receive progress reports about the implementation of the Strategy and Delivery Plan, including the Measurement Framework.**

11. **MOTION BY COUNCILLOR HASLAM**

11.1 Councillor Haslam, seconded by Councillor H. Scott, moved approval of the Motion as detailed on the agenda in the following terms:-

"That this Council recognises the 16 days of action to support women and girls who are victims of violence. 3 in 5 women in Scotland have suffered sexual harassment or assault in the past, with over two thirds saying that they don't feel safe walking at night. As a Council we stand with these women and girls and call for more support, recognition and funding from all Governments to prevent this violence, and support women who have been victims of violence. We recognise the work of Borders Rape Crisis Centre, and their new project launching this week, Sunrise - a support service for women 18+ who have experienced sexual violence at any point in their lives in the Scottish Borders. We must do more, we can do more."

Councillors Haslam and Scott spoke in support of the Motion.

11.2 Councillor H. Anderson proposed that the final sentence be amended to read "This Council must do more, this Council can do more." She spoke in support of her amendment which was accepted by Councillor Haslam. The Motion as amended was unanimously accepted.

DECISION
AGREED to approve the Motion above as amended.

12. **MOTION BY COUNCILLOR H. SCOTT**

Councillor H. Scott, seconded by Councillor Cochrane, moved approval of the Motion as detailed on the agenda in the following terms:-

""That this Council consults with secondary pupils and staff in the Scottish Borders, on proposals to install gender neutral toilets in the new Galashiels Community Campus, and Peebles High School, the aim to learn and implement lessons for the improvement of those arrangements from those schools and campuses where they are currently in use."

Councillors Scott and Cochrane spoke in support of the Motion which was unanimously accepted.

DECISION
AGREED to approve the Motion as detailed above.

12. **OPEN QUESTIONS**

The questions submitted by Councillors Paterson, H. Scott and Robson were answered.

DECISION
NOTED the replies as detailed in Appendix I to this Minute.

13. **PRIVATE BUSINESS**
    DECISION
    AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1, 6, 8 and 9 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

14. **Minute**
    The private section of the Council Minute of 28 October 2021 was approved.

15. **Committee Minutes**
    The private sections of the Committee Minutes as detailed in paragraph 3 of this Minute were approved.

The meeting concluded at 12.50 p.m.

Question from Councillor Paterson

To Executive Member for Infrastructure, Travel & Transport
While welcoming all moves encourage car drivers to move away from the use of Fossil Fuel and increasing the use of any fuel that does not in any way harm the environment, can the Executive Member please tell me when this administration are having to make yet more cuts to balance the books why are they still allowing the free use for electrical vehicle charging and what is the total cost to the Council tax payer since this was first introduced and are there any plans to introduce charging for the use of electrical vehicle charging in the Scottish Borders?

Reply from Councillor Edgar
Thank you Cllr Paterson for raising this issue. A condition of earlier Transport Scotland grant funding for EV charge points was that they were free at the point of use to encourage the uptake of electric vehicles. This condition has now been removed and SBC, like other Local Authorities, should consider introducing a charging regime. In 2020 the cost to the Council was £33,296. A report on the issue is currently being prepared and will recommend that the Council should implement a charging regime going forward. It is anticipated that it may be possible to have a proposal before Council as early as the 27 January Council meeting.

Questions from Councillor H. Scott

To Executive Member for Infrastructure, Travel & Transport

1. At some point in the future Scottish Borders Council, as the landlord for Lowood House, will take possession of the property.

   a) has any assessment been done in relation to repairs and maintenance which may be required, and if not when will such an assessment be made?

   b) will the outgoing tenant be required to make a contribution to the cost of any repairs to the property required due to deterioration or damage during the period of their tenancy?

Reply from Councillor Edgar
Officers are in regular contact with the current occupiers and have visited Lowood House on several occasions over the past few months. The current occupiers are due to vacate the property next spring and a more substantive visit to Lowood house is being planned for Estates and Property Officers in early December to review the house and assess likely ongoing maintenance.

The current occupiers are responsible for all repairs and maintenance during their occupation and are required to leave the property in the condition it was in when the Council purchased it.

2. Langlee Community Centre House Committee have expressed their concern about the continued use of the Community Centre by the NHS as a Covid19 testing station, thereby denying the use of the large hall and café to the groups who normally use those facilities.

   Langlee houses some of the poorest and disadvantaged people in our community. The Community Centre and its facilities, and what they offer in the way of support and companionship, play a vital part in the maintenance of their physical and mental health and wellbeing. Recent correspondence received by me from NHS Scotland shows that the required facilities for a testing station are not overly prescriptive.

   Will SBC now look at renewing its effort to finding an alternative site to house the testing station so that the use of the centre is returned to those who need it most?

Reply from Councillor Edgar

The UK Government has asked that the PCR test sites remain operational until end March 2022, the current lease expires in January 2022. The Langlee site is the only PCR site in the Borders, it has high usage which is anticipated to increase over the winter period. It is in a relatively central location within the most populated Borders locality (Eildon: 36,825). In the week 8th-14th Nov 2021, there were 705 PCR tests at Langlee. Five groups were displaced from Langlee because of the use of the upstairs area of the community centre for the PCR centre. All five were offered alternative provision.

SBC are supporting the Department of Health and Social Care (UK Government) in looking into options for alternative provision including:
- Utilisation of empty units in Galashiels town centre
- Use of a mobile testing unit
- Use of portacabin/other temporary structures.
- The use of an alternative Council owned building

Any alternative must meet certain criteria set out by UK Government including:
- minimum size for the testing area (15x10m)
- space for safe queuing
- separate entrances and exits (one-way system)
- testing centre must be kept separate from other building uses
- sufficient toilets must be available (for staff and public)

One option looked at by SBC includes the old school building (Council HQ). The Old School has parking/queuing space available and is in a central-Borders location. However this has been discounted due to space and accessibility

Supplementary

Councillor Scott advised that this facility was essential to the mental and physical wellbeing of the Langlee Community and asked Councillor Edgar to ensure negotiations to find an alternative venue were pursued and that regular updates on progress were provided. Councillor Edgar confirmed officers were actively engaged in finding an alternative venue and he would keep Members updated.

3. To the Executive Member for Wellbeing, Culture & Sport
   Since its opening to the public, how many paying customers have visited the Great Tapestry of Scotland building, and how much revenue has been raised from ticket sales to the attraction?

Reply from Councillor Jardine

The Great Tapestry of Scotland is operationally managed by Live Borders. We have sought the information from our partner to respond to this question.

To date there have been 7,705 tickets bought and £69,997 in revenue income. This is in line with the revised Business Case projections from Jura Consulting in February 2021 which included COVID implications on visitor numbers.

4. To the Executive Member for Public Protection
   On 17 December 2020 I submitted a question asking on how many occasions in 2020 the Police Community Action Team (CAT) had monitored the 20 mph speed limit outside schools. The answer was that none had taken place.

   On how many occasions in 2021 has the CAT monitored speed limits outside schools, and if so, which schools were covered by that monitoring?

Reply from Councillor Turnbull
- No specific police speed limit monitoring activity has taken place outside schools during 2021 that is formally recorded.

- The CAT have recently started working with Junior Road Safety Officers in promoting the 20mph speed limit outside schools across the Borders, starting in Cheviot and Berwickshire. The latest schools, on 18th November 2021, were Eyemouth and Coldingham PS. This involves speed checks and other activities involving the children.
- Any Elected Member can request a specific issue be raised at the monthly CAT Oversight meeting. Attendees are cross party and from throughout the Borders.
- Police activity in relation to speeding enforcement looks at those areas with a history of accidents or other concerns being raised. None of the Borders schools would appear to have such an accident history.
- There is regular communication between the Police and Council around accidents and enforcement activity. Both participate in the Road Safety Working Group.
- The Scottish Government – Scotland's Road Safety Framework to 2030 will be a key policy driver for enforcement.

Question from Councillor Robson

To Executive Member for Wellbeing, Culture & Sport
Can the Executive Member advise when Kelso Library's opening hours will be returned to those prior to COVID lockdown and why this is allegedly linked to extending the opening hours of the Council Contact Centre located therein?

Reply from Councillor Jardine
The facility in Kelso is an integrated Library Contact Centre operated by the Council's Customer Advice and Support Service and opening hours are based on demand, available resources and provision of safe usage for staff and customers.

Despite re-opening Contact Centres and Library Contact Centres customer demand via telephone and email channels remain largely at the same levels indicating a shift in contact preferences by customers.

It is unlikely, due to the changes in demand that sites will simply return to pre-Covid opening hours or times. Adjustments to opening times will reflect demand and the particular needs of those accessing the sites face to face e.g. school age or working customers e.g. via evening and weekend opening hours. This should match accessibility to demand.

The expansion of mobile library services, click and collect and the provision of digital reading devices, all of which remain available, will have contributed to the reduced demand at physical sites.

Opening hours at all sites will be increased gradually over the next two months, however, this must be done in a manner to ensure customer and staff safety as well as meeting the emerging customer demand for face to face based services.

Officers are not aware of any significant level of requests for additional opening hours or complaints about inaccessibility. Any information on any specific issues or difficulties being encountered would be welcomed so appropriate action and assistance can be taken/provided.

Supplementary
Councillor Robson advised that he had received representations regarding opening hours which he would pass to officers. He did not feel demand could be properly assessed if the library was not open and he knew groups who wished to use the meeting space. Councillor Jardine agreed communication could be improved around opening hours and agreed to take the matter forward working with local Members.

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LONG TERM FINANCIAL STRATEGY

Report by Director, Finance & Corporate Governance
SCOTTISH BORDERS COUNCIL

16 December 2021

1 PURPOSE AND SUMMARY

1.1 **This report provides Scottish Borders Council with a newly developed strategy to support longer term revenue financial planning over a 10 year period as attached at Appendix 1.**

1.2 Since 2013/14 the Council has adopted a 5 year approach to medium term revenue planning and a 10 year timeframe for the Capital Plan. This Long Term Financial Strategy now extends the revenue planning period over 10 years aligning revenue with capital and allowing the Council to therefore plan more effectively over a longer period.

1.3 The approach to longer term financial planning is advocated as good practice by Audit Scotland. This approach has allowed the Council to deliver balanced budgets in each year since 2013/14 and to plan effectively for the financial consequences of multi-year transformational change across the Council. Since adopting a longer term planning horizon the Council has successfully delivered £63m of savings on a permanent basis, assisting significantly with financial sustainability. Adopting a consistent 10 year revenue planning horizon will further assist the Council to plan service and strategic change appropriately and ensure the financial implications of the Corporate Plan are properly considered, affordable and reflected in future budgets.

2 RECOMMENDATIONS

2.1 **It is recommended that Scottish Borders Council:**

(a) **Approves the development of a long term financial strategy to assist revenue financial planning over a 10 year period from 2022/23;**

(b) **Notes that the full Long Term Financial Strategy document along with supporting financial models will be presented to Council along with the suite of financial planning papers when setting the 2022/23 budget.**

3   LONG TERM STRATEGY

3.1   Since 2013/14 the Council has adopted a 5 year approach to medium term revenue planning and a 10 year timeframe for the Capital Plan. This Long Term Financial Strategy now extends the revenue planning period over 10 years allowing the Council to plan more effectively over a longer period. The approach to longer term financial planning is advocated as good practice by Audit Scotland.

3.2   This strategy is an important component of the Financial Planning process. It underpins the longer term sustainability of the Council and ensures that the financial implications of the Corporate Plan are properly considered, affordable and reflected in future budgets. As such the long term financial strategy is a key tool helping the Council to deliver essential services to the communities of the Borders.

3.3   The strategy will be used to guide the Council to inform future decision making and financial planning.   Many of the challenging decisions and actions necessary will require clear vision, effective partnership working, good communication and the buy in of communities through initiatives like #playyourpart.

3.4   This strategy seeks to ensure the Council addresses these challenges and remains financially sustainable over the longer term by living within our means, prioritising those things that are most important, adopting new ways of working, exploiting new technology, developing further commercial opportunities where possible and engaging effectively with the people of the Borders to improve their quality of life and their experience of engaging with the Council.

3.5   For this Long Term Financial Strategy, 2022/23 will represent year 1 base year. The Council's medium term financial plan will cover the period to 2026/27 and this longer term financial plan projects forward to 2031/32 giving a longer term 10 year view of the revenue budget. This strategy thereby aligns the planning horizon for revenue with the approach already adopted for capital. A number of key variables have been considered in preparing the 10 year plan as shown below:

- Scottish Government funding levels

- Council Tax income levels

- Opportunities for increased commercialisation to increase income including fees & charges and increased grant funding opportunities

- Assumptions on inflation including pay increases

- Assumptions on increased demand for services such as in Health & Social Care services

- Investment in modernisation of the Council such as:

  o   IT investment to drive revenue savings and ongoing costs to maintain a secure and reliable operating environment

  o   investment in plant and vehicles to improve service delivery and addressing climate change, replacing ageing vehicles with modern electric vehicles where possible

  o   investment in buildings to improve service delivery and energy efficiency

- Savings deliverable from transformational change including investment in digital technologies, increased automation and a reducing property footprint

- National policy decisions which will impact on Local Government in the future such as a potential National Care Service.

This is not an exhaustive list of variables, however the issues identified are considered to be the core issues which require to be considered.

3.6 The full Long Term Financial Strategy document along with detailed assumptions on key variables and supporting financial models will be presented to Council along with the suite of financial planning papers when setting the 2022/23 budget.

4 IMPLICATIONS

4.1 **Financial**

There are no financial implications beyond those contained in the report and appendices.

4.2 **Risk and Mitigations**

The major risks associated with this report are that the assumptions made do not materialise. This risk will be mitigated in the financial modelling supporting the strategy through the use of sensitivity analysis which will include mid case, most favourable and least favourable positions. These assumptions will be flexed over time as greater clarity emerges on the impact of the Local Government settlement from 2022/23, the priorities of the new Administration from May 2022, emerging national priorities and the objectives of the new Corporate Plan.

4.3 **Integrated Impact Assessment**

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals contained in this report.

4.4 **Sustainable Development Goals**

There are no significant effects on the economy, community or environment.

4.5 **Climate Change**

No effect on carbon emissions are anticipated from the recommendation of this report.

4.6 **Rural Proofing**

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

4.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

4.8 **Changes to Scheme of Administration or Scheme of Delegation**

There are no changes to the Schemes of Administration or Delegation as a result of this report.

Scottish Borders Council – 16 December 2021

5 CONSULTATION

5.1 The Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director People. Performance & Change, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into this final report.

Approved by

David Robertson   Signature ....
Director, Finance & Corporate Governance

Author(s)

Suzy Douglas	Financial Services Manager 01835 824000 X5881

Background Papers:
Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Suzy Douglas can also give information on other language translations as well as providing additional copies.

SCOTTISH BORDERS COUNCIL - LONG TERM FINANCIAL STRATEGY 2022/2023 – 2031/2032

Executive Summary

The Scottish Borders Council Long Term Financial Strategy (LTFS) is an important component of the Financial Planning process. It underpins the longer term sustainability of the Council and ensures that the financial implications of the Corporate Plan are properly considered, affordable and reflected in future budgets. The primary objective of the Plan is to ensure the Council continues to live within its means, balancing expenditure against the income raised through Government grant, Non-Domestic Rates, Council Tax and fees and charges. As such the long term financial strategy is a key tool helping the Council to deliver essential services to the communities of the Borders.

This strategy seeks to build on previous financial modelling undertaken to assess the potential financial impact on Scottish Borders Council of service delivery priorities in the medium to longer term. To date the Council's forward financial plans have focused on the medium term, over a 5 year period for revenue income and expenditure, with a 10 year look forward adopted for our planned investment in assets set out in the Council's published Capital Strategy.

The adoption of a medium term approach for financial planning has previously enabled the Council to plan the delivery of service changes across financial years through modernising services, investing in new technology, and in developing its strategic partnerships to provide longer term benefits.

This approach has enabled the required changes to services to be delivered in a more planned, holistic manner, mitigating the need for reactive cuts to services.

This medium term approach is central to the Council's Fit for 2024 transformation programme which is now fully embedded within the budget process with the delivery of cross cutting savings integral to balancing the budget.

It is now intended to extend the approach to encompass a longer term 10 year look forward that will seek to identify the challenges facing the Council and the opportunities we have to address them. In doing so the Council will seek to better integrate its approach to people, business, asset and financial planning processes and ensure these are fully aligned to clear priorities set out in a refreshed Corporate Plan. These priorities will be developed and defined in a co-productive way fully involving local communities, our community planning partners and the third sector.

In developing the Long Term Financial Strategy, a number of key assumptions are applied. For this first version, 2022/23 represents year 1 base year, with 2023/24 – 2026/27 reflected in the Council's Revenue Financial Plan. This strategy now forecasts a further 5 years giving a longer term 10 year view of the revenue and capital budget.

The strategy supports the Council to deliver the following outcomes:

- A forecast balanced budget in each of the 10 years of the Plan, assuming that required savings to balance the plan will be delivered on a recurring basis
- Delivery of savings through transformational change allowing significant investment in service improvements
- Borrowing funded through revenue, in line with investment detailed in the Capital Plan

The development and production of this strategy signals how the Council is looking to the future including anticipated commitments, aspirations and corresponding income streams.

The Council recognises that it must modernise in the face of resource constraints, changing demographics, rising expectations, calls for greater community involvement in decisions over the design and delivery of public services and the ongoing reform of the Scottish Public Sector.

With limited resources and increasing pressure on Council services it is clear we need to adapt and change the Council to be more efficient, more responsive to its citizens and more sustainable. We also need to recognise that we have not always succeeded in engaging effectively with all our communities and they in turn have not always accepted, the need for change. We therefore need to adopt a co-productive approach that fully involves communities in decisions over service redesign from the outset and ensure an approach that supports and empowers them when a different model of service delivery is implemented.

The strategy set out in this document will therefore be used to guide the Council to inform future decision making and financial planning. Many of the challenging decisions and actions necessary will require clear vision, effective partnership working, good communication and the buy in of communities through initiatives like #playyourpart.

This strategy seeks to ensure the Council addresses these challenges and remains financially sustainable over the longer term by living within our means, prioritising those things that are most important, adopting new ways of working, ensuring the Council is operating as efficiently as possible, exploiting new technology, developing further commercial opportunities where possible and engaging effectively with the people of the Borders to improve their quality of life and their experience of engaging with the Council.

The changes required must be understood in the context of the wider financial position of the Council, our transformation plans, wider public policy, the landscape of public service delivery in Scotland within which we operate and new national approaches such as Participatory Budgeting/Community Choices.

Context

The LTFS is part of a suite of strategic management plans including:

- Corporate Plan
- Council's Financial & Transformation plans
- Capital Investment Strategy
- Treasury Strategy
- Procurement Strategy

As well as transforming the services the Council provides, and the way in which they are provided, the Council must also ensure that it is sustainable for the future. In order to do this, the Council needs to ensure that it has a sound financial base, good governance arrangements, efficient processes that are joined up and automated wherever possible, effective transformation plans strong ICT infrastructure and capabilities, well maintained operational premises, and a well-trained and motivated workforce.

The LTFS projects forward the approach already taken to the medium term financial plan which is developed over a 5 year timescale and aims to identify the financial impact of known, anticipated and potential events and requirements over a 10 year time-frame.

It is recognised that future projections covering this length of time will naturally contain some degree of uncertainty and the strategy therefore sets out clearly the assumptions made. In doing so the Council has reviewed a range of different scenarios with a best, worst and mid-range scenario and has assumed that a mid-case scenario will apply as the most likely outcome.

The level of uncertainty and risk increases as the amount of influence the Council has over events reduces and the timespan of the projection increases. It is crucial, however, that in planning the future model of public service delivery in the Borders that the Council takes this long-term view, models the range of outcomes which may occur and accepts the inherent uncertainties in future planning. By considering this range of outcomes it is felt that this will give the Council the best chance of optimising its future service delivery model and responding to the changes required.

The key to future sustainability is to develop a range of deliverable options and solutions which can be adapted quickly to reflect changing circumstances.

Flexibility and agility are needed when conditions and outcomes are uncertain. In order to do this, the Council must have clear priorities, policies and plans supported by robust information and evidence so that financial resources can be targeted in the most effective way.

The Council is clear that it wants the Borders to be a place where people want to live and learn; an attractive destination for visitors, with high quality job opportunities and infrastructure which provides the conditions for local businesses to thrive in a smart rural region. This includes the provision of high-quality, online connectivity for our homes, businesses and communities.

The Council is also clear, however, that it operates within a wider economic context and therefore in realising this vision a number of key issues and risks have to be considered.

Key Influences and Risks

The Long Term Financial Strategy has considered a number of key macro-economic issues, some of which are out with the Council's control, and those internal issues which the Council has the ability to influence. Both external and internal influences need to be considered with key variables modelled to guide Council decisions about the future.

External Influences (outwith the Council's control)

Economic changes such as:

- Interest rate fluctuations
- Level of grant funding from Scottish Government
- National Pay agreements and wider price inflation
- Unemployment levels in the Borders
- Supply chain issues associated with the wider economy

Climate related issues such as:

- Climate change
- Flooding
- Storm damage

Public Health issues including:

- The health and wellbeing of the local population
- Further financial and economic impacts from COVID-19 and potential future pandemics

Internal Influences (within the Council's control)

- Working to clear corporate priorities as set out in the Corporate Plan
- Transformational change programme to improve outcomes
- Effective people planning
- Asset management plan to optimise the Council's property estate
- Use of robust performance data to drive improvement
- Use of digital technology and automation to improve services and reduce costs
- The Council's commitment to net zero and resultant actions required to reduce the carbon footprint
- Community engagement, partnership working and co-production of future service delivery models
- Community Empowerment including Participatory Budgeting/Community Choices with a Council commitment that communities will be enabled to make and influence decisions at a local level equating to 1% of the Council's budget
- Optimising the Council's treasury function and ensuring the financing of the capital programme remains affordable to the Council in the longer term

Appendix 1

Key Variables influencing the Plan

For this Long Term Financial Strategy, 2022/23 represents year 1 base year. The Council's medium term financial plan covers the period to 2026/27 and this longer term financial plan projects forward to 2031/32 giving a longer term 10 year view of the revenue budget. This strategy thereby aligns the planning horizon for revenue with the approach already adopted for capital. The following key variables have been considered in preparing the 10 year plan:

- Scottish Government funding levels

- Council Tax income levels

- Opportunities for increased commercialisation to increase income including fees & charges and increased grant funding opportunities

- Assumptions on inflation including pay increases

- Assumptions on increased demand for services such as in Health & Social Care services

- Investment in modernisation of the Council such as:

   o IT investment to drive revenue savings and ongoing costs to maintain a secure and reliable operating environment
   o investment in plant and vehicles to improve service delivery and addressing climate change, replacing ageing vehicles with modern electric vehicles where possible
   o investment in buildings to improve service delivery and energy efficiency

- Savings deliverable from transformational change including investment in digital technologies, increased automation and a reducing property footprint

- National policy decisions which will impact on Local Government in the future such as a potential National Care Service.

This is not an exhaustive list of variables which need to be considered, however the issues identified are considered to be the core issues which require to be considered. If these are followed and refined in the future, this will provide the Council with a robust approach to ensuring that the Council remains financially and operationally sustainable, and in doing so ensuring that it meets its statutory obligations, its policy aspirations and the needs of local communities.

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RISK MANAGEMENT POLICY AND STRATEGY

Report by Chief Officer Audit and Risk

SCOTTISH BORDERS COUNCIL

16 December 2021

1   PURPOSE AND SUMMARY

1.1   **The purpose of this report is to present to members a revised Risk Management Policy statement and Risk Management Strategy 2021-2024 for approval.**

1.2   Effective Risk Management is one of the foundations of effective governance and is recognised in the Council's Local Code of Corporate Governance. Compliance with the principles of sound Corporate Governance requires the Council to adopt a coherent and systematic approach to the management of risks that it faces every day. Better and more assured risk management will bring many benefits to the Council and the people it serves.

1.3   Management have the primary responsibility to systematically identify, analyse, evaluate, control and monitor risks to the achievement of the Council's objectives. Internal Audit is required to give independent assurance on the effectiveness of all internal controls and other arrangements put in place by Management to manage risk. On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) is to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy.

1.4   A revised Risk Management Policy statement (Appendix 1) and 3-year Risk Management Strategy (Appendix 2) are included for approval by full Council, following their consideration and endorsement by the Audit and Scrutiny Committee on 22 November 2021. This will enable the Council to refine its approach to Risk Management and embed these key aspects into the management practices of the Council.

2   RECOMMENDATIONS

2.1   **I recommend that Scottish Borders Council:**

a) **Approves the revised Risk Management Policy Statement (Appendix 1) and Risk Management Strategy 2021-2024 (Appendix 2); and**

b) **Acknowledges the role and responsibilities of the Audit and Scrutiny Committee, as set out in the Risk Management Policy, to provide Elected Member oversight on behalf of full Council.**

3   BACKGROUND

3.1   Effective Risk Management is one of the foundations of effective governance as stated in the Council's Local Code of Corporate Governance (approved by Council, June 2018). Compliance with the principles of sound corporate governance requires the Council to adopt a coherent and systematic approach to the management of the risks that it faces every day. Better and more assured risk management will bring many benefits to the Council and the people it serves.

3.2   Management have the primary responsibility to systematically identify, analyse, evaluate, control and monitor risks that potentially endanger or have a detrimental effect upon the achievement of the Council's objectives and its people, property, reputation and financial stability whether through core service delivery or through a programme of change. Management continue to be supported by the Corporate Risk Officer to apply the risk management process. Risk registers at Corporate and Service levels are recorded in Pentana, the Council's performance management system.

3.3   Internal Audit is required to give independent assurance on the effectiveness of all internal controls and other arrangements put in place by Management to manage risk, and to make recommendations designed to improve the management and mitigation of risks, in particular where there is exposure to significant financial, strategic, reputational and operational risk to the achievement of the Council's objectives.

3.4   On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) is to scrutinise the framework of internal financial control, risk management and governance throughout the Council to ensure its adequacy.

4   RISK MANAGEMENT POLICY STATEMENT

4.1   The Council's Risk Management Policy Statement at Appendix 1 outlines the key objectives and states the roles and responsibilities in managing risks. Management have the primary responsibility to systematically identify, analyse, evaluate, control, record and monitor risks.

4.2   The Council's Risk Management Policy has been reviewed and refreshed to reflect the Risk Management developments that have been introduced during the last 3 years and improvements identified during the Risk Management Health Check that was carried out in early 2020 and the Internal Audit review that was completed in May 2021.

4.3   The main changes in the Council's Risk Management Policy Statement can be summarised as follows:
- Re-ordering one section to ensure its prominence to reflect its importance (Roles and Responsibilities section);
- Integration of two sections, Risk Appetite and Capacity and Risk Tolerance and Thresholds, to avoid duplication and incorporate clarity on active management and mitigation (Risk Appetite, Capacity and Tolerance section);
- Additional information to provide clarity of de-escalation arrangements, and removal of specific detail on levels of escalation, delegation and de-escalation which will be included in the Risk Management Process Guide for managers (Procedure for Escalation, Delegation and De-Escalation section);

- Inclusion of the frequency of risk review proportionate to the risk rating (Risk Management Process section);
- Additional information to provide clarity of reporting to ensure fulfilment of roles and responsibilities set within the Policy and specify the content of the annual report to ensure it reflects the wider aspects of the Council's Risk Management framework for assurance purposes i.e. addition of an overview of Risk Management activity during the year and oversight of the Corporate Risk Register (Reporting for Assurance Purposes section); and
- Integration of two sections, Quality Assurance and Review, to avoid duplication and incorporate the sources of assurance and lessons learned in the review process (Monitoring and Review section).

5   RISK MANAGEMENT STRATEGY

5.1   The Risk Management Strategy at Appendix 2 outlines the approach that will be adopted within Scottish Borders Council to systematically identify, analyse, evaluate, control, record and monitor risks, in support of the Risk Management Policy Statement.

5.2   The Council's Risk Management Strategy is based upon the national standard Management of Risk (M o R). The strategy is underpinned by:
- A clear and widely understood structure to secure implementation
- A commitment to achievement
- Appropriate training arrangements
- Regular monitoring and reporting arrangements

5.3   The Council's Risk Management Strategy has been reviewed and refreshed to reflect the Risk Management developments that have been introduced during the last 3 years and improvements identified during the Risk Management Healthcheck that was carried out in early 2020 and the Internal Audit review that was completed in May 2021.

5.4   The main changes in the Council's Risk Management Strategy can be summarised as follows:
- Inclusion of the change in focus of the revised Risk Management Strategy arising from the Risk Management Healthcheck 2020 and the Internal Audit review 2021 (Introduction section);
- Amendment from 3 Risk Management levels (Corporate, Directorate, Operational) to 2 levels (Corporate and Service) to ensure that Risk Registers are aligned to the business planning and performance management process (Management Arrangements section);
- Inclusion of references to risk escalation, delegation and de-escalation activity, the approach to managing risk within the Council's risk appetite, tolerance and capacity, the frequency of risk review, and the support to Management provided by the Corporate Risk Officer to provide greater clarity and consistency in the process and to reflect roles and responsibilities (Management Arrangements section);
- Amendments to the arrangements for the provision of Risk Management training to Service Managers to reflect the new ways of working and the support to Management provided by the Corporate Risk Officer (Training and Awareness section); and
- Inclusion of the use of a risk maturity model as part of the annual assessment to check the efficacy of the Council's risk management arrangements and to facilitate continuous improvement (Monitoring and Review section).

6 IMPLICATIONS

6.1 **Financial**
There are no financial implications as a direct result of the report. The Corporate Risk Officer resource costs are contained within budgets. Any additional costs arising from enhanced risk mitigation will have to be considered and prioritised against other pressures in the revenue budget.

6.2 **Risk and Mitigations**
Roles and responsibilities for managing risks within the Council are set out in the Risk Management Policy Statement. Management have the primary responsibility to systematically identify, analyse, evaluate, control, record and monitor risks. Monitoring of the application of the risk management framework across the Council is carried out by the Corporate Management Team, facilitated by the Corporate Risk Officer within the Audit & Risk service. Elected Member oversight is provided by the Audit and Scrutiny Committee.

The Risk Management Policy and Strategy reflect the Council's integrated approach to the management of risks and the independent assurance on its efficacy provided by Internal Audit.

6.3 **Integrated Impact Assessment**
There is no relevance to Equality Duty or the Fairer Scotland Duty for this report, based on the completion of the Integrated Impact Assessment (IIA); a full IIA is not required. This revised Risk Management Policy statement and 3-year Risk Management Strategy will enable the Council to continue to refine its approach to managing risks, with a focus on aligning Risk Management to the business planning and performance management process and ensuring that those contracted to deliver services on behalf of the Council and through partnership arrangements have robust risk management framework in place.

6.4 **Sustainable Development Goals**
The recommendations in this report will not directly impact any of the 17 UN Sustainable Development Goals, based on completion of the checklist. However, the application of practices associated with the Council's Risk Management Policy and Strategy is fundamental to the achievement of the Council's objectives, including its sustainable development goals.

6.5 **Climate Change**
This report does not relate to any proposal, plan or project and as a result the checklist on Climate Change is not an applicable consideration.

6.6 **Rural Proofing**
The revised Risk Management Policy and Strategy is unlikely to have a different impact in rural areas, based on completion of the checklist.

6.7 **Data Protection Impact Statement**
All Risk Management activity will be carried out in accordance with appropriate legislation; this includes the Data Protection Act 2018.

6.8 **Changes to Scheme of Administration or Scheme of Delegation**
No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the content in this report.

7   CONSULTATION

7.1   The Corporate Management Team, which plays a key leadership role in establishing Risk Management behaviours within the organisation, its partners, suppliers and customers, has been consulted on this report and appendices (policy and strategy) and any comments received have been taken into account.

7.2   The Director - Finance & Corporate Governance, Chief Legal Officer (and Monitoring Officer), Director – People Performance and Change, Clerk to the Council, and Communications team have been consulted on this report and any comments received have been taken into account.

7.3   The Audit and Scrutiny Committee considered the Risk Management Policy and Strategy 2021-2024 report and appendices at its meeting on 22 November 2021 and endorsed them for approval by full Council.

Approved by

Jill Stacey, Chief Officer Audit and Risk   Signature ………………………………….

Author(s)

Name	Designation and Contact Number
Jill Stacey	Chief Officer Audit and Risk
Emily Elder	Corporate Risk Officer

Background Papers: Appropriate Risk Management files
Previous Minute Reference: Audit and Scrutiny Committee 22 November 2021

Note – You can get this document on tape, in Braille, large print and various computer formats by using the contact details below. Information on other language translations can also be given as well as provision of additional copies.

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RISK MANAGEMENT POLICY STATEMENT

Introduction

Scottish Borders Council (SBC), like all organisations, faces a wide range of risks at all levels of the organisation. The aim of this policy is to communicate why risk management should be undertaken, provide a common risk management language and a description of the approach that will be adopted by SBC to manage its risks. This policy is supported by the Risk Management Process Guide and Risk Management Strategy which is based upon the Management of Risk (M_o_R) Guide and its associated framework, principles, approach and processes.

SBC understands that effective Risk Management is one of the foundations of effective Corporate Governance which has been adopted in its Local Code of Corporate Governance. Compliance with the principles of sound corporate governance requires SBC to adopt a coherent and systematic approach to the identification and effective management of the risks with the outcome that better and more assured risk management will bring many benefits to SBC and the people it serves.

SBC recognise that risk management should be aligned with corporate objectives and will therefore be considered within the business planning process. This ensures that the risks to achieving these objectives are identified and prioritised. The risk management landscape is dynamic and, as local authorities increasingly deliver services in alternative ways including commissioning and partnership arrangements, the spectrum of risks that SBC is exposed to also increases.

SBC will continue to systematically identify, analyse, evaluate, control, record and monitor those risks that potentially endanger or have a detrimental effect upon its people, property, reputation and financial sustainability whether through core service delivery or through a programme of change.

Roles and Responsibilities

The Council will continue to support its people to develop the appropriate skills and competencies to enable them to manage risk effectively.

Corporate Management Team (CMT)

CMT will act as risk champions, driving risk from the top down, ensuring all major decisions are subject to a risk assessment, and fostering a supportive culture where all members of staff are openly able to discuss and escalate risks to the appropriate level. CMT will regularly review the most significant risks threatening strategic objectives.

Senior Management

Senior Management will: ensure that they understand the risk policy, process and reporting requirements; ensure risk registers are compiled and maintained for each Service, Programme or Project; escalate risks as required by this policy; support internal and external audits; challenge the status of identified risks; and carry out the complete risk management process on all major activities.

Chief Officer Audit & Risk

The Chief Officer Audit & Risk will develop and maintain corporate risk management strategy, policy and procedures and ensure these are communicated effectively throughout the Council and that processes are in place to embed this in the Council's culture and working practices.

Corporate Risk Officer

The Corporate Risk Officer will support the management of risk by: ensuring that the processes and procedures are followed; ensuring that risk registers are in place and reviewed; preparing management reports; offering training and support; facilitating risk workshops; reviewing the Risk and Mitigations section of Committee Reports to ensure that full risk information is provided.

Audit and Scrutiny Committee

The Audit and Scrutiny Committee will oversee the adequacy and effectiveness of the Council's risk management arrangements.

Elected Members

Elected Members need to assure themselves that they have adequate information including risks and mitigations to ensure they are fully informed during decision-making at various Committees.

Risk Appetite, Capacity and Tolerance

Risk appetite is how much risk SBC is willing to accept. This will differ dependent on the perspective being assessed (Strategic long term, whether at Corporate or Service level; Programme/Project level medium term; or Operational short term). A consistent approach to identifying and analysing risk will be followed, and SBC's capacity to bear risk (e.g. level of insurance cover, financial reserves) will be considered to ensure that SBC, nor its stakeholders, are exposed to an unknown, unmanaged or unacceptable degree of risk i.e. High and Medium-High risks require active management and mitigation to manage down and maintain exposure at an acceptable level. This will be supported by the Risk Management Process Guide.

Risk tolerance will be determined by using a combination of the Risk Impact and Likelihood Matrix, as detailed in the Risk Management Process Guide; by the proximity of the risk; and by determining whether a risk needs to be managed at a higher level because of the impact if the risk materialises.

Procedure for Escalation, Delegation and De-Escalation

Escalation is the process whereby a risk has exceeded tolerance thresholds at the perspective in question and action or oversight is required at a more senior level. This could be because the impact if the risk materialises is too great to be managed at that level or because the risk is corporate wide. All managers have the responsibility to ensure that risks escalated to them are considered by following the Risk Escalation Procedure detailed in the Risk Management Process Guide. Escalated risks may be overseen at a higher level and actions to mitigate them delegated to another level within SBC or partner organisation. Once risk mitigation actions have had the desired effect to reduce the impact or oversight is no longer required at a more senior level, a risk may be de-escalated.

Risk Management Process

Risk management is not a one-off exercise. It is a continuous process because the decision-making processes it underpins are continuous. Risk management must be an integral part of all organisational activities within SBC, but not be over bureaucratic and a process for its own justification. To these ends it will be aligned with the business planning process and performance reporting schedule, and frequency of risk review will be proportionate to the risk rating. The process to be adopted is described in more detail in the Risk Management Process Guide.

When risk management will be implemented

Risk management will be applied to every level within SBC, including programmes and projects. It will be part of the decision-making process when developing and reviewing business plans and when considering alternative service delivery arrangements including partnership, arm's length external organisations and outsourcing.

Reporting for Assurance Purposes

All Corporate and Service Risk Registers will be recorded on the Pentana performance management system to enable reporting to CMT, Directors and Managers, as appropriate. Reporting, to support fulfilment of roles and responsibilities set within the Policy, will include:

- Quarterly risk management status report to CMT, including Corporate Risk Register review.
- Regular presentations by Directors to the Audit and Scrutiny Committee on the status of strategic risks facing the Council.
- A Risk Management Annual Report for assurance purposes to CMT and the Audit and Scrutiny Committee on the efficacy of the Council's risk management framework, an overview of risk management activity during the year, and oversight of the Corporate Risk Register.

Monitoring and Review

Risk management policies, procedures, strategies and plans will be reviewed annually to ensure their continued relevance and effectiveness. Assurances and any recommended areas for improvement received from Internal Audit and External Audit and best practice and lessons learned shared across the public sector on risk management will be considered as part of the review process. This policy will be subject to document control, version control, be reviewed at least annually, and be revised to reflect changes in legislation, risk management best practice, and significant changes in corporate governance.

Glossary of terms

For risk management to be effective all participants must speak the same language. A detailed glossary of terms is included in the Risk Management Process Guide.

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Risk Management Strategy

Introduction

Scottish Borders Council (SBC), like all organisations, faces a wide range of risks at all levels of the organisation. The Risk Management landscape is dynamic and, as local authorities increasingly moves towards alternative delivery of essential services and partnership arrangements, the spectrum of risks to which SBC is exposed also increases.

Senior Management are committed to minimising these risks and recognise that effective Risk Management is one of the foundations of effective Corporate Governance.

SBC has made substantial progress in embedding Risk Management and awareness within business processes, with established and effective links to all related aspects of the Council's governance, planning and service delivery operations.

The Council's approach to managing risk in this revised strategy is to build on foundations established and to reflect improvements arising from the Risk Management Healthcheck 2020 and Internal Audit review 2021, to provide greater clarity and consistency in the process. The focus will be to add value by aligning Risk Management to the business planning and performance management process, taking this opportunity during the Corporate Plan refresh and Service Plan creation. This will ensure that the risks to achieving corporate and service objectives will be systematically identified, analysed, evaluated, controlled and monitored.

The other key focus for this strategy is to ensure that those contracted to deliver services on behalf of the Council and through partnership arrangements, such as the Integration Joint Board, Live Borders, and CGI, have robust risk management framework in place. It is essential that the Council recognises that outsourcing services through contracts and commissioned services does not remove the statutory obligation and therefore the consequences of any failure of these arrangements.

The Council's strategy, supported by the Risk Management Process Guide (published on the Intranet), is based on the Management of Risk (M_o_R) Guide and its associated framework, principles, approach and processes.

Key Elements of Effective Risk Management

The effective management of risks requires a strategy that has been sanctioned by, and has the clear support of, the Corporate Management Team, Elected Members and Chief Officers. Such a strategy is underpinned by:

- A clear and widely understood structure to secure implementation
- A commitment to achievement
- Appropriate training arrangements
- Regular monitoring and reporting arrangements

Risk Management Objectives

The objectives of the Council's Risk Management Strategy are to:

- Embed Risk Management into the culture of the Council
- Manage risk in accordance with best practice
- Anticipate and respond to changing social, environmental and legislative requirements
- Prevent injury, damage and losses and reduce the cost of risk
- Raise awareness of the need for Risk Management by all those involved with the delivery of Council services both internal and external to the organisation
- Ensure there are adequate arrangements for compiling the Council's Annual Governance Statement with governance and Risk Management arrangements to support it

These objectives will be achieved by:

- Establishing clear roles, responsibilities and reporting lines within the Council for Risk Management and the Annual Governance Statement
- Providing opportunities for shared learning on Risk Management across the Council
- Offering a framework for allocating resources to identified priority risk areas
- Reinforcing the importance of effective Risk Management as part of the everyday work of employees by offering training
- Incorporating Risk Management into business planning and performance management
- Incorporating Risk Management considerations into partnership working and contractual arrangements
- Incorporating Risk Management considerations into the corporate programme and project management arrangements
- Regular monitoring arrangements and detailed reporting.

The Status of Risk Management

Risk Management is as much a part of the duties of Council managers as are the control of budgets and the deployment of staff and equipment to deliver services.

When making decisions the risks and mitigations associated with a proposal is as important a part of the matters to be considered by elected members as the costs of and return on investment or the staffing implications of a proposal. For this reason it is imperative that the Risk and Mitigations section of Committee Reports is completed accurately. To ensure this is the case, authors of reports should attend the Corporate Risk Management training course and the Corporate Risk Officer will provide comment when required. For their part, Elected Members should always ask for further details of the risks if it is not entirely clear what they are, in order to make well-informed decisions.

If the Council is to have a reasonable assurance that Risk Management is effectively in place it must be carried out in a systematic and structured manner and be subject to compliance testing and reporting. The inter-relationship between the Risk Management function and Internal Audit is crucial for this to be effective. This is demonstrated by the Internal Audit plan being informed by the highest areas of risk within SBC and in turn risks are identified or re-evaluated through Internal Audit reports and assurance activities.

Benefits

The real value of good Risk Management lies in the benefits it will deliver. Those benefits will be varied in their nature and extent and some might be more measurable than others, but they will all be important to the Council's reputation and ability to deliver improved and value for money public services. The benefits realised include:

- Improved business planning by focussing on the outcome not the process
- More informed decision making process
- Enhanced reputation and public confidence in its ability to deliver services
- Fewer unpleasant surprises and crises through early warning of problems
- More effective management of change
- Prioritisation of resources and better value for money
- Improved performance and achievement of objectives
- Demonstrated good governance
- Innovation, as Managers more confidently exploit new opportunities that will in turn improve the way services are delivered or reduce the cost of delivery

Management Arrangements

Risk Management is a fundamental part of corporate and service management. As such, it should be integrated with normal management processes.

As part of the business planning and performance management process risks will be identified and managed at 2 levels to reflect the varying perspectives:

1) Corporate Strategic – ensuring that the Council's vision is implemented through the corporate priorities and strategies as stated in the Corporate Plan.
2) Service Strategic and Operational – transforming service strategy into action and maintaining appropriate levels of service provision.

At each respective level the risk owners have primary responsibility for the management of all risks:

Level 1 – Corporate Management including Chief Executive and Directors

Level 2 – Chief Officers / Service Managers

This arrangement clearly identifies accountability at the specific management levels to ensure that risk is being managed and effective monitoring is being carried out as part of the performance management process at the appropriate level throughout the Council.

This will also aid escalation of risks, to ensure oversight and/or action at a higher level, and de-escalation. Risks or actions to mitigate risks could be delegated to other levels. This will also simplify the approach to managing risks within the Council's risk appetite, tolerance and capacity.

Risk Management is not a one-off process. It is a continuous process because the decision-making arrangements it underpins are continuous. Circumstances and business priorities can, and do, change, and therefore risks (both threats and opportunities) and their internal controls and mitigation actions will be regularly reviewed as part of the business planning and performance management process. The frequency of risk review will be proportionate to the risk rating (Corporate and Service High risks will be reviewed at least quarterly; Medium risks at least bi-annually; Low risks at least annually). That way, risks (threats and opportunities) are directly linked to the achievement of business objectives which can then be prioritised using that information.

The process to be adopted is described in the Risk Management Process Guide (published on the Intranet). The Guide outlines the systematic and structured process to identify, analyse, evaluate, control and monitor risks, and will include specific detail on levels of escalation, delegation and de-escalation of risks. The Guide is supplemented by other risk management toolkits. The latter will include the quantification of the Council's risk appetite, tolerance and capacity to provide greater clarity and consistency. The Council continues to be engaged in major change management programmes involving capital investment, working with other partners on wider economy initiatives, and service delivery redesign including those related to digital.

This adds a further explicit area of risk exposure within the programmes and projects that underpin the achievement of their specific objectives.

- Programme – transforming corporate strategy into new ways of working that deliver measurable benefits to the organisation
- Project – delivering defined outputs to an appropriate level of quality within agreed time, cost and scope constraints.

The Risk Management Policy and Strategy will also be applied to programmes and projects. The Programmes and Projects have their own risk registers, which will continue to be developed and reviewed by relevant Programme and Project Managers and monitored by individual Programme and Project Boards. Material risks from these sources will be escalated to senior management as part of the regular reporting cycle so that any risks from potential interdependency failures can be properly assessed and appropriate action taken.

The Corporate Risk Officer will support Management in the development and review of the Corporate and Service risk registers, and provide advice and support for the application of risk management across Programmes and Projects. The Corporate Risk Officer will support Management of the Pension Fund and the entities delivering Services through strategic partnership arrangements, such as Integration Joint Board, Live Borders, and CGI, to fulfil the risk management responsibilities.

Training and Awareness

To enable effective management of risks and associated internal controls and governance the Council recognises that it must continue to support its people to develop the appropriate skills and competencies relevant to their roles. The provision of awareness and training programmes for employees on risk management will mainly be done through the use of E Learning modules, which will be targeted to appropriate members of staff, and during risk review discussions by the Corporate Risk Officer. Management will ensure that staff undertake appropriate training to enable them to understand and apply the risk management policy requirements and behaviours to fulfil roles within their own service areas.

The Council will communicate with employees and elected members to ensure awareness of effective Risk Management and good governance.

The Council will spread the word about good practice and this will be achieved by publishing relevant material within the Council using a variety of communication methods. The Council will incorporate the key message that internal control systems to minimise and mitigate risks are designed to deliver the benefits that are important to the Council's reputation and ability to deliver improved and value for money public services.

In the Council's dealings with outside individuals and organisations it will ensure that they are aware of the Council's approach to managing risk as part of sound governance.

Accountability

Accountability for performance must be an integral part of the Risk Management process and should cover two principal elements:

a) Delivering the Strategy to realise the associated benefits
b) Implementing actions that contribute to mitigation of Risk

The Directors sign off an annual assurance statement on internal controls and governance operating in their directorates / services which includes Risk Management. These, along with other sources of assurance are used to inform the Annual Governance Statement by the Chief Executive which is scrutinised by the Audit and Scrutiny Committee and then incorporated within the Annual Accounts.

A Standard Approach

A standardised approach will be implemented across the Council's operations to assist with the achievement and the demonstration of effective Risk Management:

- Governance through the Organisation Structure
- Adoption of a Single Standard – Management of Risk (M_o_R)
- Implementation of 'Risk Management Process Guide' enabling consistent application across the Council using best practice procedures
- Attendance at corporate Risk Management Training course by all Managers with responsibility for managing risks in the delivery of Business Plans, Programmes, Projects and Strategies
- Corporate membership of the Association of Local Authority Risk Managers (ALARM) and/or the Institute of Risk Management (IRM)

Monitoring and Review

The Chief Officer Audit & Risk will carry out an annual assessment of the efficacy of the Council's risk management arrangements against the Management of Risk (M_o_R) standard using a risk maturity model, and will monitor the implementation of any associated improvement actions.

Internal Audit will continue to review the efficacy of Risk Management arrangements and associated internal controls put in place by Management and provide independent assurance on the effectiveness of the Risk Management Strategy and activities as part of its assurance on the Council's Corporate Governance arrangements.

The Audit and Scrutiny Committee will oversee the adequacy and effectiveness of the Council's Risk Management systems and associated internal control environment through:

- Scrutiny of annual reports on the assessment of risks and the monitoring of the Risk Management strategy, actions and resources
- Consideration of periodic presentations by Directors to outline the strategic risks facing their services and internal controls and governance in place to manage or mitigate those risks

This strategy will be reviewed annually to ensure its continued relevance and effectiveness. This strategy will be subject to document control, version control, and be revised to reflect changes in legislation, risk management best practice, and significant changes in corporate governance.

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COUNTER FRAUD POLICY AND STRATEGY 2021-2024

Report by Chief Officer Audit and Risk

SCOTTISH BORDERS COUNCIL

16 December 2021

1 PURPOSE AND SUMMARY

1.1 **The purpose of this report is to present to members a revised Counter Fraud Policy statement and Counter Fraud Strategy 2021-2024 for approval.**

1.2 The Council is committed to minimising the risk of loss due to fraud, theft, corruption or crime and to taking appropriate action against those who attempt to defraud the Council, whether from within the authority or from outside.

1.3 The primary responsibility for the prevention, detection and investigation of fraud rests with Management, supported by the Integrity Group. Internal Audit provides advice and independent assurance on the effectiveness of processes put in place by Management. On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) is to oversee the framework of internal financial control including the assessment of fraud risks and counter fraud controls, and to monitor counter fraud strategy, actions and resources.

1.4 A revised Counter Fraud Policy statement (Appendix 1) and 3-year Counter Fraud Strategy (Appendix 2) are included for approval by full Council, following their consideration and endorsement by the Audit and Scrutiny Committee on 22 November 2021. This will enable the Council to continue to refine its approach to tackling fraud, taking account of reducing resources, with a focus on prevention and detection and promotion of a counter fraud culture across the Council to improve its resilience to fraud.

2 RECOMMENDATIONS

2.1 **I recommend that Scottish Borders Council:**

   a) Approves the revised Counter Fraud Policy Statement (Appendix 1) and Counter Fraud Strategy 2021-2024 (Appendix 2); and

   b) Acknowledges the role and responsibilities of the Audit and Scrutiny Committee, as set out in the Counter Fraud Policy Statement, to provide Elected Member oversight on behalf of full Council.

3 BACKGROUND

3.1 The size and nature of the Council's services, as with other large organisations, puts the Council at risk of loss due to fraud, theft, corruption or crime. The Council's Counter Fraud Policy states the roles and responsibilities in tackling fraud; the primary responsibility for the prevention, detection and investigation of fraud rests with Management.

3.2 Tackling fraud is not a one-off exercise; it is a continuous process across all parts of the Council because the service delivery processes it underpins are continuous. Tackling fraud is an integral part of good governance within the Council and demonstrates effective safeguarding of the Council's resources, for delivery of services, as part of protecting the public purse.

3.3 Establishing a counter fraud culture is fundamental to ensuring an effective response to fraud, theft, corruption or crime and the leadership part played by Corporate Management Team and Senior Management is key to establishing counter fraud behaviours within the organisation, its partners, suppliers and customers.

3.4 The Integrity Group is a forum which has representatives from across the Council's Services to support Management to fulfil their responsibilities in tackling fraud. Its purpose is to improve the Council's resilience to fraud, corruption, theft and crime. It oversees the policy framework, performs self-assessments against best practice, agrees and monitors the implementation of improvement actions, and raises awareness as a method of prevention.

3.5 Internal Audit is required to give independent assurance on the efficacy of processes put in place by Management to manage the risk of fraud.

3.6 On behalf of the Council, as set out in the Scheme of Administration, part of the Audit and Scrutiny Committee's role (Audit function) is to oversee the framework of internal financial control including the assessment of fraud risks and to monitor counter fraud strategy, actions and resources.

4 COUNTER FRAUD POLICY STATEMENT

4.1 The Council's Counter Fraud Policy Statement at Appendix 1 outlines the key objectives and states the roles and responsibilities in tackling fraud; the primary responsibility for the prevention, detection and investigation of fraud rests with Management.

4.2 The Council's Counter Fraud Policy has been reviewed and refreshed to reflect the counter fraud developments that have been introduced during the last 3 years and the change in provision of resources.

4.3 The main changes in the Council's Counter Fraud Policy Statement can be summarised as follows:
- Inclusion of reference to the main objective of tackling fraud which is safeguarding the Council's resources, for delivery of services, as part of protecting the public purse (Introduction section);
- Inclusion of reference to taking account of reducing resources whilst having a continued focus on fraud prevention and detection (Introduction section);
- Addition of reference to Integrity Group to reflect the key role it plays to support Management to fulfil their responsibilities in tackling fraud and

to improve the Council's resilience to fraud, corruption, theft and crime (Roles and Responsibilities section);

- Inclusion of an additional responsibility of Senior Management i.e. nominate counter fraud champions to support them to fulfil these responsibilities in tackling fraud, to reflect the change in provision of resources to deliver the counter fraud policy and strategy (Roles and Responsibilities section);
- Removal of reference to Corporate Fraud & Compliance Officer role to reflect the change in provision of resources to deliver the counter fraud policy and strategy (Roles and Responsibilities section);
- Specify the content of the annual report to ensure it reflects the wider aspects of the Council's counter fraud framework for assurance purposes i.e. addition of outcomes of counter fraud controls assessments, and an overview of counter fraud activity during the year; this is to align with the role and responsibilities of the Integrity Group (Reporting for Assurance Purposes section);
- Removal of the Budget section; instead reference to the provision of staff resources to implement the strategy is included within the Counter Fraud Strategy;
- Integration of two sections, Quality Assurance and Review, to avoid duplication and incorporate the sources of assurance and lessons learned in the review process (Monitoring and Review section);

5   COUNTER FRAUD STRATEGY

5.1   The Counter Fraud Strategy at Appendix 2 outlines the approach that will be adopted within Scottish Borders Council to tackle fraud, in support of the Counter Fraud Policy Statement.

5.2   The Council's Counter Fraud Strategy is based upon the national counter fraud standard CIPFA's Code of Practice on 'Managing the Risk of Fraud and Corruption' published in December 2014. The five elements of the code are to:
- acknowledge the responsibility of the governing body for countering fraud and corruption
- identify the fraud and corruption risks
- develop an appropriate counter fraud and corruption strategy
- provide resources to implement the strategy
- take action in response to fraud and corruption

5.3   The Council's Counter Fraud Strategy has been reviewed and refreshed to reflect the counter fraud developments that have been introduced during the last 3 years and the change in provision of resources.

5.4   The main changes in the Council's Counter Fraud Strategy can be summarised as follows:
- Inclusion of a reference to the Council's new Appraisal Process and Competency Framework (Counter Fraud and Corruption Culture section)
- Addition of references to remit of the Integrity Group to reflect the key role it plays to support Management to fulfil their responsibilities in tackling fraud and to improve the Council's resilience to fraud, corruption, theft and crime (Plans and Policies, Deter and Detect, Response Action and Investigations sections)
- Inclusion of references to the change in approach for provision of resources to implement the strategy e.g. Management will nominate counter fraud champions, support from Audit & Risk (Deter and Detect, Training and Awareness sections).

- Integration of two sections, Action and Investigations, to avoid duplication in setting out the reactive aspects of tackling fraud and corruption when it is suspected or has occurred (Response Action and Investigations section);
- Addition of Management and Integrity Group second line responsibilities to check the efficacy of arrangements and implement appropriate improvements (Monitoring and Review section)

6 IMPLICATIONS

6.1 Financial

Effective internal control systems are designed to prevent and detect fraud and this contributes to safeguarding of the Council's resources, for delivery of services, as part of protecting the public purse. The Counter Fraud Strategy takes account of reducing resources, as the Audit & Risk service like all other Council services has to achieve the FF2024 financial savings assigned to the Services, therefore a different staff resource model is required. The developments that have been undertaken over the past 5 years (including work on the Business World ERP system), as evidenced through the self-assessments using the counter fraud maturity model, and duties reallocated to other areas reduces the requirement for a full time Corporate Fraud & Compliance Officer post in the future. The Business World ERP system and further planned investment in digital transformation presents the opportunity for Internal Audit to increase the use of data analytics, thus enabling counter fraud compliance and internal audit assurance to be combined into one continuous activity.

6.2 Risk and Mitigations

Management are responsible for identifying fraud risks, designing and maintaining effective controls proportionate to the risks. Evaluation and monitoring of fraud risks and mitigations are facilitated through the Integrity Group on behalf of the Corporate Management Team. Elected Member oversight is provided by the Audit and Scrutiny Committee.

The new staff resource model is designed to spread the duties over multiple roles thereby removing the risks associated with one individual being solely responsible. The roles and responsibilities and resource requirements to implement the strategy are set out in the Counter Fraud Strategy. Management will nominate counter fraud champions to support them to fulfil these responsibilities in tackling fraud. This is partially dependent on directorate business support officers being a permanent model to incorporate the remaining duties into their current activity. Internal Audit will provide the resource to be the key contact for NFI, and carry out the combined counter fraud compliance and internal audit assurance. Management at a Service level will provide the resource for investigating NFI data matches and progressing outcomes.

6.3 Integrated Impact Assessment

(a) There is no relevance to Equality Duty or the Fairer Scotland Duty for this report, based on the completion of the Integrated Impact Assessment (IIA); a full IIA is not required. This revised Counter Fraud Policy statement and 3-year Counter Fraud Strategy will enable the Council to continue to refine its approach to tackling fraud, taking account of reducing resources, with a focus on prevention and detection and promotion of a counter fraud culture across the Council to improve its resilience to fraud.

(b) Equality, diversity and socio-economic factors are accommodated by way of all alleged frauds being investigated and pursued in accordance with the appropriate legislation.

6.4 **Sustainable Development Goals**
The recommendations in this report will not directly impact any of the 17 UN Sustainable Development Goals, based on completion of the checklist. However, the application of practices associated with the Council's Counter Fraud Policy and Strategy is fundamental to ensuring an effective response to fraud, theft, corruption, or crime. This will make a difference to the UN Sustainable Development Goal 16 "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels".

6.5 **Climate Change**
This report does not relate to any proposal, plan or project and as a result the checklist on Climate Change is not an applicable consideration.

6.6 **Rural Proofing**
The revised Counter Fraud Policy and Strategy is unlikely to have a different impact in rural areas, based on completion of the checklist.

6.7 **Data Protection Impact Statement**
All counter fraud activity will be carried out in accordance with appropriate legislation; this includes the Data Protection Act 2018.

6.8 **Changes to Scheme of Administration or Scheme of Delegation**
No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the content in this report.

7 **CONSULTATION**

7.1 The Integrity Group has been engaged in the review of the counter fraud policy and strategy and has been consulted on this report and appendices (policy and strategy) as part of fulfilling its role in enhancing the Council's resilience to fraud.

7.2 The Corporate Management Team, which plays a key leadership role in establishing counter fraud behaviours within the organisation, its partners, suppliers and customers, has been consulted on this report and appendices (policy and strategy).

7.3 The Director - Finance & Corporate Governance, Chief Legal Officer (and Monitoring Officer), Director – People Performance and Change, Clerk to the Council, and Communications team have been consulted on this report and any comments received have been taken into account.

7.4 The Audit and Scrutiny Committee considered the Counter Fraud Policy and Strategy 2021-2024 report and appendices at its meeting on 22 November 2021 and endorsed them for approval by full Council.

Approved by

Jill Stacey, Chief Officer Audit and Risk   Signature ………………………………

Author(s)

Name	Designation and Contact Number
Jill Stacey	Chief Officer Audit and Risk Tel 01835 825036

Background Papers: Appropriate Counter Fraud files
Previous Minute Reference: Audit and Scrutiny Committee 22 November 2021

Note – You can get this document on tape, in Braille, large print and various computer formats by using the contact details below. Information on other language translations can also be given as well as provision of additional copies.

Contact us at fraud@scotborders.gov.uk

COUNTER FRAUD POLICY STATEMENT

Introduction
The size and nature of the services provided by Scottish Borders Council (SBC), as with other large organisations, puts the Council at risk of loss due to fraud, theft, corruption or crime. The aim of this policy is to communicate why effective and robust counter fraud arrangements should be in place to ensure the Council's ongoing resilience to the threats of fraud and corruption. This policy will be supported by the Counter Fraud Strategy, which outlines the approach that will be adopted by SBC to tackle fraud, to ensure that neither SBC, nor its stakeholders, are exposed to an unknown, unmanaged or unacceptable degree of fraud risk by protecting themselves in an appropriate way.

Tackling fraud is an integral part of safeguarding the Council's resources, for delivery of services, as part of protecting the public purse. The harm caused by fraud, however, is not just financial. Fraud damages local people and communities, damages the Council's reputation and undermines trust in public services. Every pound lost through fraud cannot be spent on providing and delivering quality services that people rely on and which they pay their taxes to get, therefore it is important to have a strong counter fraud culture and effective counter fraud controls embedded within its business processes and governance arrangements.

The changing and increasingly complex environment in which the Council operates, and the complexity of policies, procedures, processes, systems, customer interfaces, legislative requirements, partnerships and joint working arrangements and relationships with other organisations that enable the Council to deliver its services, is happening against a backdrop of depressed economic activity in which the fraud risk tends to increase.

Management are committed to minimising fraud risk and at the same time taking appropriate actions against those who attempt to defraud the Council, whether from within the authority or from outside. Refinements to the Council's approach to tackling fraud, taking account of reducing resources, include a continued focus on fraud prevention and detection and promotion of a counter fraud culture across the Council to improve its resilience to the risk of fraud.

Roles and responsibilities
Corporate Management Team (CMT)
CMT will act as counter fraud leaders, tackling fraud from the top down, allocating sufficient resources proportionate to the level of fraud risk to ensure that income is maximised and assets are safeguarded, and fostering a strong counter fraud culture.
Integrity Group
The Integrity Group is a forum which has representatives from across the Council's Services to support Management to fulfil their responsibilities in tackling fraud. Its purpose is to improve the Council's resilience to fraud, corruption, theft and crime. It will: oversee the counter fraud policy framework; consider fraud risks and carry out counter fraud controls assessments; agree and monitor the implementation of improvement actions; and raise awareness as a method of fraud prevention.
Senior Management
Senior management will: identify fraud and corruption risks; ensure that they understand and apply the counter fraud policy requirements within their own service provision procedures and practices to ensure a comprehensive and coherent approach to fraud prevention, detection and investigation; take action to prevent, detect and investigate fraud; periodically highlight to staff the importance of behaving with integrity; support internal and external audits; carry out a periodic review of the efficacy of their counter fraud arrangements; and nominate counter fraud champions to support them to fulfil these responsibilities in tackling fraud.

<u>Director – Finance & Corporate Governance</u>
The Director – Finance & Corporate Governance is designated by Council as the officer responsible for the administration of the Council's financial affairs in terms of Section 95 of the Local Government (Scotland) Act 1973.

<u>Chief Officer Audit & Risk</u>
The Chief Officer Audit & Risk will develop and maintain corporate counter fraud strategy, policy and procedures, in consultation with the Director – Finance & Corporate Governance, and ensure these are communicated effectively throughout the Council and that processes are in place to embed this in the Council's culture and working practices.

<u>Internal Audit</u>
Internal Audit will review the effectiveness of controls put in place by Management to manage the risk of fraud. Full details of its roles are set out in the Internal Audit Charter.

<u>Audit and Scrutiny Committee</u>
The Audit and Scrutiny Committee will oversee the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control to provide reasonable assurance of effective and efficient operations, including the review of assessment of fraud risks and controls, and the monitoring of the counter fraud strategy, actions and resources.

<u>Elected Members</u>
Elected Members need to be aware of and adhere to the procedures and practices in place to prevent fraud, theft, corruption or crime when performing their roles, and support the Public to utilise the whistleblowing process online to report any concerns.

Counter Fraud management process
Tackling fraud is not a one-off exercise; it is a continuous process across all parts of the Council because the service delivery processes it underpins are continuous. Tackling fraud is an integral part of good governance within the Council and demonstrates effective safeguarding of the Council's resources, for delivery of services, as part of protecting the public purse.

Reporting for Assurance Purposes
Reporting will include a Counter Fraud Annual Report for assurance purposes to CMT and the Audit and Scrutiny Committee on the outcomes of counter fraud controls assessments, an overview of counter fraud activity during the year, and progress with implementation of counter fraud improvement actions and outcomes. The Annual Governance Statement to CMT and the Audit and Scrutiny Committee will include a statement on the efficacy of counter fraud arrangements.

Monitoring and Review
Counter Fraud management policies, procedures, strategies and plans will be reviewed on an annual basis to ensure their continued relevance and effectiveness. Assurances and any recommended areas for improvement received from Internal Audit and External Audit and best practice and lessons learned shared across the public sector on counter fraud management will be considered as part of the review process. This policy will be subject to document control, version control, be reviewed at least annually, and be revised to reflect changes in legislation, counter fraud management best practice, and significant changes in corporate governance.

COUNTER FRAUD STRATEGY

The size and nature of the Council's services, as with other large organisations, puts the Council at risk of loss due to fraud, theft, corruption and crime. Management are committed to minimising this risk and at the same time taking appropriate action against those who attempt to defraud the Council, whether from within the authority or from outside. Refinements to the Council's approach to tackling fraud, taking account of reducing resources, include a focus on fraud prevention and detection and promotion of a counter fraud culture across the Council to improve its resilience to the risk of fraud.

The Council's Counter Fraud Strategy is based upon the national counter fraud standard CIPFA's Code of Practice on 'Managing the Risk of Fraud and Corruption' published in December 2014.

Counter fraud and corruption culture

The Council expects its employees and elected members to act within the law and the high ethical standards of integrity, honesty and openness, which are reflected in the Council's Code of Conduct internal codes, rules and procedures. The Appraisal Process and Competency Framework is based on shared values for the provision of public services and sets out examples of the positive standards of behaviours to fulfil roles. The Council also expects that all outside individuals and organisations, including service users, partners, suppliers, and contractors will act to the same standards.

Plans and policies

The Integrity Group will assist with developing, reviewing and updating the policies, procedures and guidelines across the Council to mitigate the risk of fraud, theft, corruption and crime, and ensure these are communicated effectively throughout the Council. As a minimum the policy framework for managing the risk of fraud will include: Counter Fraud Policy; Whistleblowing Policy; Anti Money Laundering Policy; Anti-Bribery & Corruption Policy; Gifts & Hospitality Policy and register; Conflict of Interest Policy and register; Codes of Conduct and Ethics; Information Security Policy; and Cyber Security Policy.

Management will ensure that Service specific plans, policies, procedures, processes and guidelines contain detailed information on how to prevent or reduce the Council's vulnerability to fraud, theft, corruption or crime as part of their service provision to ensure that income is maximised and assets are safeguarded.

Deter and detect

Management will continuously monitor and review the corporate governance and internal control systems, which include financial regulations, scheme of delegation, standing orders, data security, codes of conduct, procedures and guidelines, to ensure that fraud prevention and detection practices are effective and robust, and that reasonable and proportionate risk mitigating actions are in place.

In addition, Management at a Service level will continue to identify those areas, existing or new, which are vulnerable to fraud, theft, corruption or crime, will design controls to prevent or reduce the vulnerability, and will assess the effectiveness of the controls in place. Management will nominate counter fraud champions to support them to fulfil these responsibilities in tackling fraud.

A proactive approach to fraud detection will continue to be followed, including enhanced use of techniques such as data matching and intelligence sharing with partner organisations within the provisions of the General Data Protection Regulations. Positive publicity about the successful detection or prevention of a fraud is a vital deterrent to others contemplating defrauding the public purse.

The Council will continue to work with other organisations to manage its fraud risks and share best practice. This will include participation in counter fraud forums at local and national levels, such as the Scottish Local Authorities Investigators Group (SLAIG) and the NHS's Counter Fraud Service (CFS), and participation in the National Fraud Initiative (NFI), a data matching exercise for public bodies. Internal Audit will provide the resource to engage in these forums and to be the key contact for NFI. Management at a Service level will provide the resource for investigating NFI data matches and progressing outcomes.

The Integrity Group will consider emerging fraud risks, carry out counter fraud controls assessments, agree appropriate fraud mitigation actions thus identifying sustainable preventative measures, and raise awareness of risks and implications as a method of prevention.

Training and awareness

The Council will continue to support its people to develop the appropriate skills and competencies relevant to their roles in order to enable them to tackle fraud effectively. The provision of awareness and training programmes for employees on counter fraud prevention and detection will mainly be done through the use of E Learning modules which will be targeted to appropriate members of staff. Management will ensure that staff undertake appropriate training to enable them to understand and apply the counter fraud policy requirements and behaviours to fulfil roles within their own service areas. Management will nominate counter fraud champions to support them to fulfil these responsibilities in tackling fraud.

In its communications with employees and elected members, the Council will incorporate the key message that internal control systems to counter fraud, theft, corruption or crime are designed both to safeguard assets and to protect their integrity if challenged.

In the Council's dealings with outside individuals and organisations it will ensure that they are aware of the Council's stance towards tackling fraud, theft, corruption or crime. The Council will encourage the reporting of suspected fraud, theft, corruption or crime through confidential reporting or whistleblowing arrangements and reassure those who fear reprisals that it will protect their rights [Report potential corporate fraud - Scottish Borders Council (scotborders.gov.uk)](#).

Response Action and Investigations

Directors and Managers will report all actual or suspected cases of fraud, theft, corruption or crime to the Chief Officer Audit & Risk by email fraud@scotborders.gov.uk, and initiate an investigation, the aim of which is to take corrective action, minimise losses and help prevent further frauds.

Anyone suspected of fraudulent behaviour will be treated fairly and courteously within the principles of Article 6 and Article 8 of the Human Rights Act 1998. All investigations will be strictly confidential and intelligence or evidence will be gathered and held securely in accordance with the Data Protection Act 2018 and to a standard that would be admissible in court. Investigators will not carry out directed surveillance without proper authorisation as detailed in Regulation of Investigatory Powers (Scotland) Act 2000 and the Council's code of practice.

Where initial investigations identify evidence of criminality, the matter will be reported to Police Scotland and the Council will co-operate fully with any Police investigation.

Where investigations reveal evidence of fraudulent or dishonest behaviour, corrupt practice or theft by a member of staff, appropriate steps will be taken including disciplinary action in accordance with the HR policies.

Steps will also be taken to recover losses resulting from fraud, theft, corruption or crime including the recovery of assets and money, which may involve joint working with public sector partners.

Monitoring and Review

Managers will carry out a periodic review of the efficacy of their counter fraud arrangements, ensure that vulnerabilities within processes are addressed, and implement other counter fraud improvement actions identified during internal and external audit reviews or by the Integrity Group.

The Integrity Group will carry out an annual assessment of the efficacy of the Council's counter fraud arrangements using the Counter Fraud Maturity Model and will monitor the implementation of improvement actions to improve the Council's resilience to fraud, corruption, theft and crime.

Internal Audit will continue to review the efficacy of counter fraud internal controls put in place by Management and provide independent assurance over fraud risk management, strategy and activities. The developments that have occurred in respect of digital transformation, e.g. Business World ERP system, presents the opportunity for Internal Audit to increase the use of data analytics and implement continuous auditing to enhance the assurance to Management.

The Audit and Scrutiny Committee will oversee the adequacy and effectiveness of the Council's systems of internal financial control and framework of internal control through scrutiny of annual reports on the assessment of fraud risks and controls, and the monitoring of the counter fraud strategy, actions and resources.

This strategy will be reviewed annually to ensure its continued relevance and effectiveness. This strategy will be subject to document control, version control, and be revised to reflect changes in legislation, counter fraud management best practice, and significant changes in corporate governance.

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GYPSY / TRAVELLER PROVISION IN SCOTTISH BORDERS

Report by Director Social Work & Practice

SCOTTISH BORDERS COUNCIL

16 December 2021

1   **PURPOSE AND SUMMARY**

   1.1 This report provides Council with information in relation to the facilities and amenities for Gypsy / Traveller families in Scottish Borders. It has become apparent that the Council needs to review the arrangements in place for this group, specifically the provision of stopping places and sites that will ensure that there is compliance with Scottish Government guidance (Appendix A & A0.2). Experience during the COVID restrictions has confirmed existing provision is neither adequate nor flexible enough to meet our requirements.

   1.2 For some time the designated site for Gypsy/Travellers in Scottish Borders has been an area at the Tweedside Caravan Park, Innerleithen. Prior to the pandemic there were ten specific pitches for Gypsy/ Traveller families, however, this reduced to five pitches in line with COVID restrictions and updated fire regulations. It is also of note that this provision is a seasonal site with restricted access during the winter months, it is therefore designated as temporary provision.

   1.3 In 2019, Scottish Borders Council formalised the approach to Gypsy/Traveller unauthorised encampments by appointing an officer in a support role as Gypsy/ Traveller liaison officer. Based within the Safer Communities Team, this role was to ensure a consistent approach and compliance with Scottish Government guidance (Appendix B). That member of staff has recently moved to a new post and officers are currently in the process of progressing recruitment into the now vacant post.

   1.4 During the COVID restrictions in 2020/21 Scottish Government issued the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support – June 2020.* This set out the need for access to sanitation, services and healthcare while minimising unnecessary travel. An update on the guidance has been expected for some time but to date this has not been published.

   1.5 The LiveBorders site at Victoria Park, Selkirk has been used to temporarily accommodate the families arriving / located within Scottish Borders in line with the need for compliance with the current government guidance.

1.6 Officers have been investigating alternative longer-term options for a site/s for Gypsy/Traveller families in Scottish Borders, with a view to ensuring that we are compliant with national guidance. There was a member briefing in relation to this, which was followed by further information on potential sites.

1.7 The following information details the scoping that has taken place, potential sites identified thus far and indicative costs for converting these sites into suitable provision. Of note is that sites and indicative costings are difficult to quantify because of the variables in potential work that would be required due to variations on each site location. For example, there is a significant difference between the indicative costs of converting an existing Scottish Borders Council car park site compared to the cost of decontaminating a larger site that had previous industrial use.

2 RECOMMENDATIONS

2.1 I recommend that Scottish Borders Council: -

a) **Note the use of Victoria Park, Selkirk as the most viable option as a temporary Gypsy/Traveller site during the COVID response.**

b) **Agree the continued scoping of Etterick Mill, Selkirk as an alternative site that may be more suitable in the short to medium term and allow for Victoria Park to be returned to a commercial site as early as possible next year.**

c) **Agree that the land at Galafoot, Galafoot Lane, Galashiels be subject to a full feasibility study regarding its suitability as a longer term option for the Gypsy/Traveller community.**

d) **Agree that officers should continue to scope alternative sites in the event that the Galafoot site costs prove prohibitive as a viable long-term option.**

e) **Agree to progressing negotiations with the current tenant at Tweedside Caravan Park regarding the Scottish Housing regulators requirement for tenant rights for Gypsy / Traveller families on this site.**

f) **Agree to a consultation process with existing Gypsy / Traveller families and national Gypsy / Traveller representatives as part of the design process.**

3   BACKGROUND

3.1   Tweedside Caravan Park, Innerleithen is owned by Scottish Borders Council and leased to the current tenant. Existing provision for Gypsy/Traveller families has been the provision of pitches on this site in a specific set aside area. Access to the site is at the discretion of the site operator. The site is closed during winter months. This arrangement has been managed through the SBC Assets and Infrastructure and Homelessness Service. The physical standards set by the Housing Regular are met while the governance standards regarding tenant rights and obligations have still to be concluded with the current tenant.

3.2   A number of documents have been published relating the Gypsy/Travellers and both the Scottish Government and COSLA have recognised the disadvantage and discrimination felt by this community. In particular this relates to the provision of accommodation, education (Appendix C), health and access to services.

3.3   In the last few years the number of unauthorised encampments in Scottish Borders has varied and it is recognised that families moving between a series of unauthorised encampments is not beneficial to them or the communities in which they are located.

3.4   As part of 'Housing to 2040', the Scottish Government has created a £20m Gypsy/Traveller Accommodation Fund which is intended for "both significant renovation and improvements of standards on existing sites and the building of new sites over the five years 2021-26.

3.5   It would be the intention for Scottish Borders Council to apply for funding from this National fund to support the provision of a suitable Gypsy/ Traveller site/s.

4   RESPONSE DURING COVID PANDEMIC

4.1   As COVID restrictions across Scotland and the United Kingdom began, a number of Gypsy/Traveller families arrived in the Scottish Borders and established unauthorised encampments. This created obvious risks in relation to the provision of good hygiene in a pandemic but also access to general services which had been curtailed due to restrictions.

4.2   A lack of capacity on designated Gypsy/Traveller sites across the country as COVID-19 restrictions began has compounded this position. Coupled with an inability to access goods, services and employment in areas the families would normally visit.

4.3   Scottish Government produced the *COVID-19 Framework for Local Decision Making on Gypsy/Traveller Support*, to assist council's. The site operated by LiveBorders, at Victoria Park, Selkirk did operate as a commercial site and the decision was taken to direct the families from unauthorised encampments to that location. Toilets, showers and other services could

realistically be provided. This remained in place from April 2020 until August 2021 when the families vacated Victoria Park.

4.4 As a significant positive to the community in Selkirk, some of the Gypsy / Traveller families children who were staying at Victoria Park were encouraged to enrol at the local Primary school. These children continue to attend the local school.

4.5 In August 2021, the families left Victoria Park and established unauthorised encampments in a number of Borders locations including the car Park opposite Council HQ in Newtown St Boswells, Galafoot in Galashiels and various sites on the industrial estate in Selkirk.

4.6 At various times throughout the pandemic officers have considered alternative site options. Recently over 85 locations (Appendix D) were considered in central Borders. These have principally been rejected due to location, access to services and community impact.

4.7 The LiveBorders site at Victoria Park, Selkirk presents as the most suitable interim option to meet the needs of the Gypsy/Travellers. A site at Ettrick Mill, Selkirk offers a temporary alternative to Victoria Park, though an assessment of the ground recommends additional surface soil sampling for potential contamination, no disturbance or excavation, and delineation of an agreed area. A more detailed assessment would be necessary for longer-term occupancy.

4.8 Based upon previous experience at Victoria Park an occupancy agreement, controlled access, a daily fee paid, preventing access onto the sport pitches and active site management have been agreed.

5. FUTURE PROVISION

5.1 The Scottish Government are in the process of developing a *Design Guide for Gypsy/Traveller Sites in Scotland Provided by Local Authorities and Register Social Landlords*. It is intended that this provides considerations around long and short term use. In the interim a similar guide produced in 2008 has been used as a point of reference (Appendix E).

5.2 Given the restrictions on pitches at Tweedside Caravan Park for Gypsy/Traveller families, it is essential that we identify some additional facilities within the Central Borders. Previous unauthorised encampments have clustered in this area.

5.3 As highlighted earlier, officers have sought to identify a suitable location for the Gypsy/Traveller families as an alternative to Victoria Park, enabling it to revert back to a commercial venture as the general COVID restrictions eased. The intention is for the site to re-open in 2022.

5.4 **Ettrick Mill** has been identified as one potential short-medium term site. Due to the background of the site, a survey was commissioned regarding potential land contamination. A report has been received which indicates that further testing should be undertaken if the site is to be used for anything other than short-term temporary provision.

5.5 The following timescales and costs are subject to Council agreement for this option to progress:

5.6 Scoping welfare facilities and public utilities connections will progress (subject to Council agreement) but I am advised that this may take some time. Public utility connections are dependent on suppliers.

5.7 Building Warrant application is targeted for early next year, once the outline design has been developed. High level assessment of costs, with design still emerging is circa £370,000.

5.8 **Galafoot, Galashiels** has been identified as a potential suitable location due to its central location, impact upon the wider community and access to amenities and services that could be provided.

5.9 The Galafoot site itself was previously used for industrial purposes (former gasworks) and at present is not suitable for residential occupation. A site report from 2013 indicates issues in relation to potentially high levels of contamination including possible tar contaminated groundwater. This site would require significant investigation into the suspected contamination and an indicative cost of rectifying the contamination issue has been estimated at approximately £400,000 - £500,000.

5.10 The timescale for this action would mean that there would likely be a significant period of time before this site could be made suitable as a permanent site for Gypsy/ Traveller families. Current estimates indicate potential years before this would be achievable.

5.11 Before accurate costings can be obtained additional testing and monitoring of the site would be required in consultation with SEPA. Planning consent would also be necessary for any change in use and provision of appropriate amenities.

5.12 Other site options have been identified and were highlighted in the member update dated 26/11/2021. These options mainly consist of Council owned car parks and other similar type pieces of land. As these sites are predominantly already heard-standing, the costs associated with these being used as Gypsy/ Traveller sites is considerably lower than those mentioned above. Basic fencing and temporary welfare / sanitation facilities would cost in the region of £30,000 - £50,000, dependant on accessibility of relevant services.

5.13 Following the above site options being highlighted, some alternative sites have been suggested by members. As an illustration of the difficulties presented by some locations Lowood, for example, would require a mixed use planning allocation, road access points, availability of public utility infrastructure, and taking cognisance of the high quality build and natural heritage of the site. At the moment a number of these factors are not in place and therefore at this time does not seem a viable option to take forward.

6. **PLANNING**

6.1 It is important to note that the use of land for the purposes of a future Gypsy/Traveller sites would require planning permission (Appendix F).

6.2 Once an application is registered and validated, all neighbours within 20M of the site boundary will be formally notified and consultees have 21 days to respond, 28 days for community councils.

6.3 The council has a 2 month period in which to determine a planning application, this can be extended depending upon the complexity.

6.4 The level of supporting information required to supplement an application will vary depending on specific site constraints.

5   IMPLICATIONS

5.1 **Financial**

a)   COVID provision for Gypsy/Travellers has been paid for from the Scottish Government funding relating to the Pandemic.

b)   Scottish Borders Council have received £50,330 from Scottish Government to physically improve Tweedside Caravan Park Gypsy/Traveller facilities.

c)   The Scottish Government have set aside a £20m Gypsy/Traveller Accommodation Fund for improvements or new facilities for Gypsy/Travellers across Scotland.

d)   An initial assessment of Ettrick Mill suggests a cost of £370,000.

e)   Re purposing existing car parks or other similar areas would have an associated cost of £30,000 - £50,000.

f)   A planning application is £401.00.

g)   Using the Gypsy/Traveller site design guide, and industry standard costs, a bespoke 10 pitch site with 200M squared per pitch plus individual service hut is expected to cost circa 2M. This does not include the public utilities or additional groundworks.

5.2 **Risk and Mitigations**

a) Gypsy/Travellers are protected under equalities legislation.

b) There is strong support and expectation from COSLA and the Scottish Government regarding improving the lives of Gypsy/Travellers.

c) The Tweedside Caravan Park does not currently meet the Housing Regulator minimum standards for Gypsy/Traveller sites in relation to tenant's rights and obligations. The council does have a proposed tenancy agreement for approval with the existing tenant.

d) In the absence of a designated site for Gypsy/Travellers to use as they enter and pass through the Borders they set up as unauthorised encampments. Often these are in unsuitable locations or impact upon the settled community and businesses. This places the council in a situation in which it can offer no alternative and weakens the case should enforcement action be necessary.

e) Unauthorised encampments on council land can be subject to enforcement action if unsuitable. In the case of private land this falls to the landowner.

f) Based upon recent experience there is strong community expectation in relation to the councils ability to manage the situation.

5.3 Integrated Impact Assessment

This will be necessary given the designation of Gypsy/Travellers. They are a minority group and consultation would be essential to inform the proposal.

5.4 Sustainable Development Goals

The land in question at Galafoot is former industrial land. The process would intend to make the land suitable for residential use and remove any substances harmful to human health. This would improve the general amenity of the area.

5.5 Climate Change

Within the planning process there are opportunities to harness green energy such as wind and solar power. Clean up land previously used for industrial purposes making it fit for residential use. All existing and current guidance would be adhered to.

5.6 Rural Proofing

N/A

5.7 Data Protection Impact Statement

There are no personal data implications arising from the proposals contained in this report.

5.8 Changes to Scheme of Administration or Scheme of Delegation

None.

6   CONSULTATION

6.1   Corporate Management Team have been consulted.

6.2   Equalities and Diversity Officer, Chief Legal Officer, Chief Officer Audit and Risk have been consulted.

6.3   An Integrated Impact Assessment will be required.

Approved by

Name Stuart Easingwood   Director of Social Work and Practice

Author(s)

Name	Designation and Contact Number
Graham Jones	Safer Communities & Community Justice Manager

Background Papers:

Previous Minute Reference: N/A

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Graham Jones can also give information on other language translations as well as providing additional copies.

Contact us at Graham Jones, Tel 0300 100 1800, graham.jones@scotborders.gov.uk

Improving the Lives of Scotland's Gypsy/Travellers
(2019-2021)

COSLA

Scottish Government
Riaghaltas na h-Alba
gov.scot

Improving the Lives of Scotland's Gypsy/Travellers
(2019-2021)

The Scottish Government, Edinburgh 2019

This publication is available at **www.gov.scot**

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Contents

Foreword

Improving the lives of our Gypsy/Traveller communities is a significant human-rights commitment for Scottish Government and COSLA and is crucial if we are to tackle deep-rooted inequalities and deliver a fairer Scotland.

As leaders in national and local government, we are united in our view that in a modern and inclusive Scotland there is no place for what the Scottish Government's Independent Race Equality Adviser Kaliani Lyle[1] called "the widespread exclusion, deprivation and social antipathy that Gypsy/Travellers face".

Through our work to develop this action plan, we have seen and heard evidence that Gypsy/Travellers have often missed out on improvements that the majority of people and communities across Scotland have enjoyed.

As well as seeing their traditional lifestyle eroded, our Gypsy/Traveller communities experience poorer outcomes in terms of living standards, education, health and employment, and often face extreme and persistent stereotyping and hostility as they go about their lives.

Across Scottish Government and COSLA, our 32 Local Authorities and the Scottish Parliament, there is a clear recognition of these injustices and the need for action to improve the lives of Gypsy/Travellers and for changes to be lasting.

This joint plan will start to demonstrate our firm commitment to make things right. It sets out the work we will do in partnership to deliver better outcomes for, and with, Gypsy/Traveller communities over the next two years.

The actions we will deliver have been developed with the advice, support and challenge of advocates, activists and members of the Gypsy/Traveller communities, as well as being informed by the expertise of those who are responsible for developing and delivering policies and services, nationally and locally. These strong partnerships, ongoing political leadership and crucially, the participation of Gypsy/Traveller communities themselves, will be key to its success.

We owe a huge debt of gratitude to the community members and activists who have helped us to develop the action plan. Many of them have worked tirelessly over many years to campaign for change, and all of them have dedicated time and energy to share their stories and their experiences, their aspirations for their families and their communities. Their input has been invaluable and we look forward to continuing to work closely together to ensure that the actions in this document deliver meaningful change in the lives of Gypsy/Travellers across Scotland.

Christina McKelvie
MSP, Minister for Older People and Equalities

Councillor Elena Whitham,
COSLA Spokesperson for Community Wellbeing

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1 Kaliani Lyle was the Independent Race Equality Adviser to the Scottish Government from 2016-2018

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Summary

About the Action Plan

Scottish Government and Local Government are working together during 2019-2021 to improve the lives of Scotland's Gypsy/Traveller communities.

We have spoken to many Gypsy/Travellers and listened to their concerns about accommodation, education, health and access to services. We know that the community face many disadvantages and that action needs to be taken to make sure that Gypsy/Travellers are treated fairly, have positive experiences of our public services and can access all of their rights and entitlements.

We are working with the Gypsy/Traveller community and with organisations who deliver services, to make sure that Gypsy/Travellers:

- have safe and culturally appropriate places to live and travel

- understand their rights and have positive experiences of accessing services

- have support to maximise incomes, increase employment opportunities, and improve the standard of living

- feel safe, respected and valued members of Scotland's diverse population

- have a seat at the table, are listened to, and have a say in decisions that affect their lives.

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Summary

Our Commitments

To help make this happen, we will work together to:

Provide more and better accommodation
- Ensure the needs of Gypsy/Travellers are appropriately and collectively resourced
- Understand the accommodation needs and preferences of Gypsy/Travellers to inform future provision
- Make sure the planning system works better for Gypsy/Traveller communities

Improve access to public services
- Work with the community to raise awareness of key rights and entitlements
- Help to ensure that services are responsive to Gypsy/Travellers' specific needs and preferences
- Improve educational outcomes for Gypsy/Travellers by supporting them to take advantage of their right to education
- Test new ways to tackle health inequalities

Better incomes in and out of work
- Help Gypsy/Travellers maximise their incomes and increase uptake of financial support they are eligible for
- Support parents to overcome barriers to work, and in-work poverty and
- Improve standard of living by reducing daily living costs for Gypsy/Travellers

Tackle racism and discrimination
- Provide leadership to challenge racism and discrimination
- Promote Gypsy/Traveller's rights
- Recognise and value Gypsy/Traveller history and culture

Improve Gypsy/Traveller representation
- Strengthen community development and engagement
- Make sure Gypsy/Travellers are fairly represented in decisions that are made at national and local level
- Support a national Gypsy/Traveller 'movement for change'

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The Actions

Our action plan describes some of the key activities we will deliver during 2019-2021 to fulfil these commitments and help to make changes now and lay foundations for lasting change that will see an end to deeply-embedded inequalities.

We will produce more detailed delivery plans which set out who will be responsible for taking each of the actions forward, how they are doing this and when they will have completed it by.

Members of the Ministerial Working Group and COSLA (the organisation that represents Local Government) will meet every six months with members of the Gypsy/Traveller community to monitor and discuss progress and find solutions to any challenges that might arise.

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Introduction

"Research evidence published in *How Fair is Scotland* and confirmed by Scottish Government's analysis of the 2011 Census shows that on every indicator of what is required to live a happy, productive and fulfilled life, Gypsy/Travellers are worse off than any other community in Scotland. The high levels of poverty experienced by Gypsy/Travellers is linked to poor health and the lack of employment and integral to all these issues is the provision of sites across the country. The Scottish Human Rights Commission in its evidence to the Equal Opportunities Committee in 2013 described the discrimination towards Gypsy/Travellers as 'the last bastion of respectable racism'.

"Despite parliamentary enquiries and reviews of progress, various reports, strategies and initiatives, little has changed for Gypsy/Travellers in Scotland. They face much the same problems that have troubled them for decades. In their *Gypsy/Travellers and Care* Report, the 2012 Equal Opportunities Committee concluded that the evidence pointed to 'repeated failures: recommendations that have not been implemented and initiatives too small scale or short term'. A point repeated in the 2013 Equal Opportunities Committee Report *Where Gypsy/Travellers Live* which calls for strong leadership at all levels and the need for a powerful Ministerial Voice."

Report from the Scottish Government's Independent Race Equality Adviser: Addressing Race Equality in Scotland: The Way Forward (2017).

This is the context for the creation of the Ministerial Working Group on Gypsy/Travellers, which was set up to develop innovative solutions to seemingly intractable problems, and to do so at an accelerated rate. The group was made up of Ministers with responsibility for the key areas of accommodation (housing and planning), education, health, and employment, working alongside COSLA. Our joint work over the last 18 months, and this action plan, responds to the challenge of the Independent Race Equality Adviser set out in her 2017 report.

Making Scotland fairer for our Gypsy/Traveller communities is a long-term aim, and it will take time to unpick the significant, entrenched and long-standing inequalities they face.

This plan sets out agreed actions we will take forward across local and national government in Scotland to make meaningful progress. They are driven by our shared commitment to work together to tackle the disadvantage and discrimination which impacts on the lives of Gypsy/ Travellers, ensuring that their communities have their voices heard and needs met on an equal basis as other citizens.

We want to create a Scotland where Gypsy/Travellers:

- have safe and culturally appropriate places to live and travel

- understand their rights and have positive experiences of accessing services

- have support to maximise incomes, increase employment opportunities, and improve the standard of living

- feel safe, respected and valued members of Scotland's diverse population

- have a seat at the table, are listened to, and have a say in decisions that affect their lives.

The plan is closely linked to our wider shared priorities in the National Performance Framework and our ambitions to create a fairer Scotland. This means tackling poverty and inequality and, in particular, to bringing an end to child poverty. It also means ensuring that everyone has a safe and secure place to live, and ending homelessness. Above all, this plan is about protecting and promoting human rights, delivering equality and creating strong and cohesive communities.

OUR WORK SO FAR

Over the last 18 months Scottish Government and COSLA have worked closely together and with partners across the public and third sectors, and with Gypsy/Traveller Communities to develop this action plan. During this time, we have also:

- Secured political support across all parties to work together to improve the lives of Scotland's Gypsy/Travellers.

- Formally recognised the right to travel, and committed to finding ways to map and, where possible, reopen traditional stopping places.

- Announced a shared commitment (with Police Scotland) to work together to challenge discrimination and promote equality for Gypsy/Travellers.[2]

- Celebrated Gypsy/Roma/Traveller History Month in Scotland.

- Highlighted and commemorated the experience of Gypsy/Travellers in the Holocaust, and showing Scotland's support for Dikh he na bister ("look and don't forget" annual Roma Genocide Memorial event at Auschwitz).

Since December 2017, the Scottish Government has also:

- Increased funding to support direct work with Gypsy/Travellers, including £100,000 to set up a new "Gypsy/Traveller Women's Voices" Project and continued to support to enable young Gypsy/Travellers to speak out.

- Invested an additional £275,000 (2018-2020) to improve the delivery of education to Gypsy/Traveller Children and Young People.

- Committed to providing a further £500,000 (2020-2022) to support flexible family learning in Gypsy/Traveller communities, through the Tackling Child Poverty Delivery Plan.

- Provided over £400,000 (2019-2021) for three new projects to test innovative ways of offering health and social care services, by supporting an "asset based approach" and co-production to empower members of Gypsy/Traveller communities to deliver them.

- Committed to making an additional capital investment up to £2m between 2019-2020 and 2020-2021 in public sector Gypsy/Traveller sites, designed to improve quality of life.

As well as this, the Scottish Government has also published a range of reports and guidance aimed at improving outcomes for Gypsy/Travellers, including:

- Guidance on improving educational outcomes for children and young people from travelling cultures.

- Review on compliance with minimum standards for public sector Gypsy/Traveller sites.

- Ten-point action plan setting out what we will do to make the planning system work better for Gypsy/Travellers.

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2 https://www.gov.scot/publications/tackling-negative-attitudes-towards-gypsy-travellers-joint-statement/

- Revised Housing Needs and Demands Assessment guidance requiring proper engagement with Gypsy/Travellers as part of the process.

- Refreshed guidance on the preparation of Strategic Housing Investment Plans.

- Updated Local Housing Strategy guidance that reaffirms the need for local authorities to have a full understanding of Gypsy/Travellers in their area.

- Embedded stronger engagement with Gypsy/Travellers in local development planning as a statutory requirement in the Planning (Scotland) Act 2019.

- Published the Access to Healthcare cards, which will be distributed widely and provides information to ensure good communication between patients and GP Practice reception staff from the outset, leading to a more positive experience for everyone involved.

- Updated GP Practice registration guidance, to clarify that patients do not need proof of address or photographic ID to register with a practice.

And during this time, local government has:

- Put plans in place to meet the minimum standards on public sector sites that have not yet done so.

- From our core capital funding, committed to invest in upgrading and refurbishing a number of existing public sites. This includes significant projects in Edinburgh, Aberdeen and Fife. While in South Ayrshire, the local authority has built new permanent accommodation for Gypsy/Traveller residents using money from the Affordable Housing Supply programme.

- From our core revenue funding, protected and invested in engagement work with Gypsy/Traveller communities, including maintaining Gypsy/Traveller Liaison Officers in areas such as Aberdeen, Aberdeenshire, Dumfries and Galloway, North Ayrshire and Dundee, and introducing new dedicated posts and a stronger focus on engagement in areas such as East Ayrshire and the Scottish Borders.

- Undertaken a "fact-finding" visit to learn more about the "negotiated stopping" approach to managing roadside encampments and supported 16 local authorities to hear more about the model at national workshops.

- Developed proposals for a national negotiated stopping pilot; whilst councils have continued to take local action to better support people staying on roadside camps, this includes work in West Dunbartonshire, Moray and Highland to better understand what the community needs, and new policies introduced across East Ayrshire and Perth and Kinross to support the right to travel.

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- Local authorities continue to work with our colleagues in police, NHS and wider Community Planning Partners to deliver joined-up services and have fostered regional collaborations to support Gypsy/Travellers, including through the work of Aberdeen City, Aberdeenshire and Moray councils' Gypsy/Traveller inter-agency group and local groups in areas such as Dumfries and Galloway. Perth and Kinross have further developed a dedicated strategy at local level.

- Provided flexible learning opportunities for Gypsy/Traveller children in areas such as South Lanarkshire, where their Gypsy/Traveller Education Group has expanded the community-based education services in place to support secondary-age children and in Moray, where mobile educational opportunities have been delivered to Gypsy/Traveller young people living roadside.

- Local authorities have also provided or participated in, anti-racism and cultural awareness and training and sessions in a number of local areas including with "Show Racism the Red Card" and through the charity MECOPP, including an engagement and awareness-raising event in Falkirk.

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OUR FOCUS (2019-2021)

Over the next two years, our collective focus will be on five areas that Gypsy/Traveller communities have identified as being important to them and where the evidence shows work is required across local and national government to deliver better outcomes for the communities. These are:

More and better accommodation

Improving access to public services

Better incomes in and out of work

Tackling racism and discrimination

Improving Gypsy/Traveller representation

OUR APPROACH

This plan sets out the actions we will take to ensure progress in the short term and lay foundations to secure longer-term change for Gypsy/Travellers.

Close partnership working across the public sector and with Gypsy/Traveller communities, with the active support of a range of third sector agencies, will be key to the success of this plan.

While the plan will be co-ordinated at a national level by COSLA and Scottish Government, it will take all of us – as public servants and local communities – to ensure the actions are delivered in ways that best meet local needs.

OUR ACTIONS

Provide more and
better accommodation

Improve access
to services

Improve incomes
in and out of work

Tackle Racism and
Discrimination

Improve Gypsy/Traveller
Representation

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Our actions provide more and better accommodation
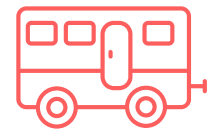
Everybody has the right to a safe and secure home. We will work together to understand, consider and better meet the accommodation needs and aspirations of Gypsy/Travellers and support their right to travel.

Three commitments will help us make progress towards this goal. We will:

- **Ensure the needs of Gypsy/Travellers are appropriately and collectively resourced.**

- **Ensure we understand the accommodation needs and preferences of Gypsy/Travellers to inform future provision.**

- **Make sure the planning system works better for Gypsy/Traveller communities.**

We will do this by:

1. Making an additional capital investment up to £2m between 2019-2020 and 2020-2021 in public sector Gypsy/Traveller sites, designed to improve quality of life.

2. Reviewing our housing and investment programmes to ensure the needs of Gypsy/Travellers are included and are appropriately and collectively resourced.

3. Working with Gypsy/Traveller communities so that we have a better understanding of their accommodation needs and preferences. Gypsy/Traveller accommodation will be considered as part of our approach to, and engagement on, housing to 2040. We are developing a vision for how we want our homes and communities to look and feel in 2040 and a route map to get there.

4. Taking action to ensure that all public sector sites meet the minimum standards and work with residents as part of this process.

5. Testing out positive approaches in five local areas that can strengthen the way we support families who are travelling.

6. Through the review of national planning policy we will ensure that Gypsy/Travellers have a stronger voice, at both national and local level, in guiding the future development of their places.

7. Holding a workshop with Gypsy/Travellers with lived experience of fuel poverty to understand how the Fuel Poverty Strategy and our programmes may need to be adapted to reflect the particular needs of the community.

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Improve access to public services

Everyone should expect good quality public services. We will work together to ensure that Gypsy/Traveller communities understand their rights and are able to benefit from all of the services they are entitled to.

Three key commitments will help us make progress towards this goal. We will:

- **Work with Gypsy/Traveller communities to raise awareness of rights and entitlements.**

- **Ensure that our public services are responsive to Gypsy/Travellers' needs and preferences.**

- **Test and share effective approaches to improving experiences of health and education services.**

We will do this by:

8. Producing clear, accessible and appropriate information on rights and entitlements and how to access them (for example on Patient Rights).

9. Providing good quality training and advice to frontline public sector staff, on how to support Gypsy/Travellers to access services fairly (for example working with NHSScotland and Health and Social Care Partnerships to address specific health and social care needs, with solutions co-produced with Gypsy/Traveller communities).

10. Recruiting and supporting Community Health Workers from Gypsy/Traveller communities, to provide health advocacy on a wide range of health and social care issues, learning from good practice in other countries.

11. Improving Gypsy/Traveller access to maternal and child health services, including, offering dedicated income maximisation services to Gypsy/Traveller mums as part of the project, building on experiences from other projects.

12. Supporting community pharmacists to use health literacy tools and techniques, developed as part of the Health Literacy

Action Plan for Scotland (2017-2025) and Primary Care Transformation.

13. Working with Gypsy/Traveller communities to identify what information and support they feel they trust and need to improve their mental health and well-being, as part of the Mental Health Strategy in Scotland (2017-2027).

14. Exploring barriers to Gypsy/Traveller uptake of early learning and childcare, with a view to increasing uptake of the enhanced funded entitlement of 1140 hours from August 2020.

15. Developing partnerships with young people and their families to improve our understanding of the barriers to taking part in learning and develop strategies that will address them.

16. Working with Gypsy/Traveller families in four areas to trial new approaches to increase digital access, skills and confidence to participate in learning.

17. Providing professional learning resources and support networks for education staff across all stages of learning so that they have the knowledge and skills to support the educational needs of Gypsy/Traveller pupils and their families.

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Better incomes in and out of work

Gypsy/Traveller communities are at high risk of poverty. We will work with Gypsy/Travellers both in and out of work to maximise family incomes, address financial exclusion and improve opportunities for good quality employment.

Three key commitments will help us make progress towards this goal. We will:

- **Help to maximise incomes and increase uptake of social security.**

- **Support Gypsy/Travellers to overcome barriers to work, and in-work poverty.**

- **Take action to reduce daily living costs.**

We will do this by:

18. Developing and delivering appropriate training and guidance to ensure that Social Security Scotland provides the best possible service to Gypsy/Traveller communities.

19. Working in partnership with the third sector to maximise the take-up of benefits administered by Social Security Scotland amongst Gypsy/Traveller communities.

20. Delivering proactive and focused work to enable Gypsy/Travellers to benefit from services provided by Skills Development Scotland. This will include careers information, advice and guidance, work-based learning and employability programmes as well as promoting the opportunities offered through Scotland's Enterprising Schools.

21. Providing paid work experience opportunities for Gypsy/Travellers within the Scottish Government and its agencies (for example Social Security Scotland).

22. Offering tailored support to Gypsy/Traveller communities to encourage people to consider and apply for permanent jobs in Social Security Scotland.

23. Parental Employability Support Fund (PESF) will offer key worker support for Gypsy/Traveller parents, as part of our wider strategy to address child poverty. This targeted support helps parents to access employment. For those already in jobs it helps to develop their skills to ensure they can sustain and progress in employment, increasing their income and lifting them and their families out of poverty.

24. Working with Gypsy/Traveller women and local authorities to ensure access to free sanitary products, whether in fixed locations on sites or in mobile units. This will be supplemented by training provided by the "Hey Girls" Education Officer to key staff who work with Gypsy/Traveller communities.

25. Working with Gypsy/Traveller communities to develop a pilot "community larder" project and promoting the Fair Food Fund amongst Gypsy/Traveller networks.

26. Providing initial support/training to increase digital participation on sites.

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Tackle racism and discrimination

Gypsy/Travellers experience high levels of racism and discrimination and are often stigmatised because of their identity. We will work to bring about a zero-tolerance approach to racism and unfair treatment towards Gypsy/Traveller communities.

Three key commitments will help us make progress towards this goal. Working in partnership, we will:

- **Provide leadership to challenge racism and discrimination.**

- **Promote Gypsy/Traveller's rights.**

- **Recognise and value Gypsy/Traveller history and culture.**

We will do this by:

27. Bringing together senior leaders from across the public sector to strengthen the way services respond to discrimination towards Gypsy/Travellers including through the provision of training.

28. Creating a "Local Leaders" network of politicians from across Scotland to champion Gypsy/Traveller's rights and help to deliver the action plan in local communities and supporting local actions.

29. Working with Gypsy/Traveller communities to design a "One Scotland" marketing campaign, raising awareness of Gypsy/Travellers' positive role in Scotland's communities, and promoting strong messages to counter discrimination, hate speech and hate crime.

30. Supporting Gypsy/Roma/Traveller History Month (June) with financial and practical help, as a valued contribution to Scotland's cultural calendar.

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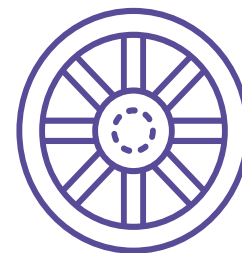
Improve Gypsy/Traveller representation

Too often, Gypsy/Travellers are not represented in our decision-making forums. We will work to make sure that Gypsy/Travellers have opportunities, encouragement and any support they might need to take a seat at the table and have a voice in decisions that affect them and their communities.

Three key commitments will help us make progress towards this goal. We will:

- **Strengthen community development and engagement.**

- **Work with Gypsy/Travellers to improve their involvement in national and local decision-making.**

- **Support a national Gypsy/Traveller "movement for change".**

We will do this by:

31. Helping to secure representation on key advisory groups and decision-making bodies on issues that are important to them (on a national and local level).

32. Supporting local authorities and the wider public sector to listen to Gypsy/Travellers in their areas in a meaningful and supportive way and engage them through local policy, planning and budgetary processes.

33. Providing practical and financial support to enable Gypsy/Traveller communities to shape national policy agendas and local priorities and to assess the progress we are making (£100,000 in 2019-2020).

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What happens after the plan is published?

The Ministerial Working Group – which worked with COSLA to oversee the development of this plan – will continue for the lifetime of this plan.

The Ministerial Working Group and COSLA will meet every six months to review and monitor progress and to discuss emerging opportunities, as well as find any solutions to barriers or challenges to delivery. This will involve feedback from, and discussion with, Gypsy/Traveller communities.

Delivery plans We will develop delivery plans. These will clearly identify which actions COSLA is leading on, which actions the Scottish Government are leading on, and which are shared work with other partners. They will be working documents, published online at regular intervals to demonstrate the variety of activities partners are taking under the five key areas of the plan. We will continue to work with Gypsy/Traveller communities so that they are actively involved in every stage of the work, and will ensure that their views and experiences form part of the review process.

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COSLA

Scottish Government
Riaghaltas na h-Alba
gov.scot

This document is also available on The Scottish Government website:
www.gov.scot

Local Housing Strategy

Guidance

Scottish Government
Riaghaltas na h-Alba
gov.scot

Ministerial Foreword

This Government wants everyone to have a good quality home that they can afford and that meets their needs.

Good housing helps to tackle attainment, reduce inequalities, creates communities, and helps regenerate the places we live in.

Since guidance was published in 2014 to support local authorities in preparing Local Housing Strategies, housing has continued to be a priority for this Government. Local Housing Strategies play a key role in delivering against these priorities, supporting equality and place-making, informing housing investment and service delivery and ensuring the delivery of the right homes in the right places.

We invested £1.7 billion in affordable housing over the lifetime of the previous parliamentary session and we exceeded our target to deliver 30,000 affordable homes by over 10 per cent. We set ourselves an even greater challenge over the lifetime of this Parliament and committed over £3.3 billion to support the delivery of at least 50,000 affordable homes of which 35,000 are for social rent. We ended the Right to Buy, strengthened tenants' rights by introducing the Private Residential Tenancy, fully mitigated the bedroom tax through Discretionary Housing Payments, introduced Universal Credit Scottish choices, and helped thousands of first time buyers to access home ownership.

By the end of 2021, more than £1 billion will have been allocated to tackle fuel poverty and improve energy efficiency in making people's homes warmer and cheaper to heat. In 2019, we introduced fuel poverty legislation which sets us on a journey to provide greater help for people and sets a target of no more than 5% of Scottish households in fuel poverty by 2040 and no more than 1% of households being in extreme fuel poverty.

We want to ensure that nobody has to face the blight of homelessness and everyone has a safe, warm place they can call home. The Scottish Government has published an action plan setting out how we will transform how those at risk of homelessness receive help and we are moving towards a rapid rehousing approach as recommended by the Homelessness and Rough Sleeping Action Group.

Climate Change is perhaps the defining challenge for the 21st century worldwide and our existing and future housing must contribute to reducing greenhouse gases. In early 2018, we published a Climate Change Bill to strengthen our reduction targets and we will be publishing an updated Adaptation Plan detailing how our homes can be adapted to mitigate the effects of climate change.

Developing a Local Housing Strategy is a key corporate activity and provides local authorities with a strategic opportunity to consider the operation of the housing system in its area and to plan strategically for meeting current and future need and demand, and the effective delivery of housing-related services over the lifetime of the strategy. It enables local authorities to make a difference locally and to monitor

progress against national and local priorities and targets. It also provides people with a vital opportunity to have their say and influence the future delivery of housing and housing related services in their communities.

The development of this guidance has been a collaborative approach and I would like to offer my sincere thanks to officials from organisations including local authorities, the Convention of Scottish Local Authorities and the Association of Local Authority Chief Housing Officers, and the Equality and Human Rights Commission for helping to shape it.

This guidance will apply with immediate effect and I commend it to all local authorities.

Kevin Stewart
Minister for Local Government, Housing and Planning

Contents

1. The Local Housing Strategy (LHS)

- The Role of the LHS

1.1 A Local Housing Strategy (LHS) is at the heart of the arrangements for housing and planning through its links with Development Plans and its strategic role in directing investment in housing and housing related services locally. It sets out a strategic vision for the delivery of housing and housing related services and the outcomes that it will seek to achieve. The Scottish Government expects a LHS to be prepared and submitted around every five years.

1.2 The development of a LHS provides an opportunity for local authorities to identify strategic housing priorities and it enables the monitoring of progress against delivery of local and national priorities and targets.

1.3 The Scottish Government expects to see equality issues embedded throughout a LHS including housing advice, homelessness, procurement, new build and refurbishment, specialist housing services, housing management services, allocations and private sector housing.

1.4 The LHS should be:

- Evidence based;
- Developed in collaboration with stakeholders, including residents and tenants;
- A corporate document, agreed and supported by all relevant local authority departments;
- Linked to the previous LHS to show progress achieved against outcomes and to carry forward outstanding actions, as appropriate;
- Demonstrate how it supports equality and addresses inequality;
- Developed using extensive and inclusive engagement and consultation;
- Forward looking;
- Delivery focussed;
- Clear, concise and easy to read;
- A standalone document (with relevant links provided);
- Reviewed with progress monitored annually through an Outcome Action Plan.

1.5 The **Housing (Scotland) Act 2001** ('the 2001 Act') places a statutory requirement on local authorities to produce a LHS that sets out its strategy, priorities and plans for the delivery of housing and related services. The 2001 Act states that the LHS must be supported by an assessment of housing provision including the need and demand for housing and related services, that it must be submitted to Scottish Ministers, and that local authorities must keep their LHS under review.

1.6   Section 89 (9) of the 2001 Act provides that two or more local authorities may, with the consent of the Scottish Ministers, exercise their statutory requirements jointly in relation to their combined areas.

1.7   The development of a LHS should be part of the local authority's approach to inclusive growth, support the development of sustainable communities, and draw on place based approaches to deliver positive placed based outcomes.

1.8   The LHS should be based on the following four pillars of public service reform:

- A focus on prevention;
- Integration of local public services through strong partnership working, collaboration and effective delivery in support of the place principle;
- Investment in people who deliver services through enhanced workforce development and effective leadership;
- A focus on improving performance, through transparency, innovation and the use of digital technology.

1.9   It is a statutory requirement for a LHS to be kept under review, and many local authorities already undertake a review annually as part of an annual report. The Scottish Government expects all local authorities to review and report on progress annually (providing a copy of this to Scottish Government More Homes Division Area Teams). All documentation relating to the LHS should be published on the local authority's website together with associated Equality Impact Assessment, any other Impact Assessments, Strategic Housing Investment Plan ('SHIP') and documents referenced in the LHS.

1.10   The **Community Empowerment (Scotland) Act 2015** makes significant changes to community planning legislation including a stronger statutory purpose focused on improving outcomes. It is explicitly about how public bodies work together and with the local community to plan for, resource and provide services, which improve local outcomes in the local authority area, all with a view to reducing inequalities. Housing supply and service considerations will be relevant to supporting community planning priorities and the Scottish Government encourages all local authorities to work in partnership with other community planning partners and their local communities to deliver positive difference in the outcomes for which they are responsible.

1.11   In developing a LHS, local authorities should consider the resources required to deliver priorities and outcomes set out in the Outcomes Action Plan (Template included in **Annex B**).

- Housing to 2040

1.12   Funding from the Scottish Government will support the delivery of at least 50,000 affordable homes, 35,000 of which will be for social rent, over the five years to March 2021. The Scottish Government remains committed to continuing to promote increased supply of housing across all tenures to meet local needs and to support the right homes in the right place now and in the future.

1.13   As set out in the **2018 Programme for Government**, work has begun on developing a vision for how Scotland's homes and communities should look and feel in 2040, and the options and choices to get there. A first phase of stakeholder engagement took place in 2018 and a **stakeholder engagement report** was published in May 2019. In terms of next steps, a consultation paper will be published in autumn 2019 and the vision and route map to 2040 will be published in spring 2020.

1.14   The Scottish Government will take a whole systems approach to housing delivery in its planning for the post 2021 landscape, as there may be a need for a broader range of government-led interventions in the housing market in the future.

- The Guidance and Review Process

1.15   **Guidance** - The aim of this guidance is to support local authorities in the development of a LHS that contains outcomes and actions, that is backed up by robust data, and that is linked to Scottish Government national priorities, plans and targets as well as local priorities and plans. The areas that the Scottish Government would expect to see addressed in a LHS are highlighted throughout this guidance.

1.16   **Review Process** - The intention of the LHS review process is to support continuous improvement and provide constructive feedback to individual local authorities. The review process is a collaborative approach that has been agreed between the Scottish Government and local authorities. A diagram showing the process is located in **Annex C**.

2.   Requirements, Essential Links & Outcomes

- Housing (Scotland) Act 2001 ('The 2001 Act) Requirements

2.1   The **2001 Act** places a statutory requirement on local authorities to produce a LHS that sets out its strategy, priorities and plans for the delivery of housing and related services.

2.2   The Act requires local authorities to:

- Submit a LHS to Scottish Ministers including any modified version;
- Provide a copy of a LHS to any person who requests it (the Scottish Government would expect a local authority to have its LHS readily and easily accessible on its website along with a copy of its Equalities Impact Assessment (EQIA), any other Impact Assessments, and SHIP.
- Keep the LHS under review;
- Provide Scottish Ministers with information about the implementation of the LHS;
- Consult with any persons that it sees fit and modify its LHS where necessary;
- Prepare a LHS which encourages equal opportunities (In addition to this, the **Equality Act 2010 and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012, 2015, and 2016** introduce duties that public bodies are legally required in the exercise of their functions);
- Provide a Homelessness Strategy to Scottish Ministers;
- Provide housing support services for people (this should include Specialist Provision i.e. the wide range of accommodation needs and care and repair services for people).

- Other Statutory Requirements

2.3   Local authorities must ensure that a LHS demonstrates how statutory requirements placed on them are being fulfilled and how local policies and actions support a range of Scottish Government Targets including:

- House Condition (Housing (Scotland) Act 2006, Section 10 - to have in place a Below Tolerable Standard Strategy, Housing Renewal Area Policy & Scheme of Assistance Strategy;
- Tackling the effects of Climate Change – Section 44 of the Climate Change (Scotland) Act 2009;
- Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 introduced a new statutory target for reducing fuel poverty that:-
    - by 2040, as far as reasonably possible, no household, in any Local Authority area, in Scotland is in fuel poverty;
    - and, in any event, no more than 5% of households, in any Local Authority area, in Scotland are in fuel poverty;
    - no more than 1% of households in Scotland are in extreme fuel poverty;

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- o and the median fuel poverty gap of households in fuel poverty in Scotland is no more than £250 in 2015 prices before adding inflation.

- Social housing to meet Scottish Housing Quality Standard (SHQS);
- Energy Efficiency Standard for Social Housing (EESSH) - 2032 milestone;
- **Child Poverty (Scotland) Act 2017** sets out targets to reduce the number of children living in poverty by 2030. The four targets are set on an after housing costs basis, meaning they will be influenced by action to reduce or prevent increases in rent or mortgage costs;
- **Public Bodies (Joint Working) (Scotland) Act 2014** (Section 53) requires Integration Authorities, Health Boards and Local Authorities to have regard to **Housing Advice Note Guidance** when exercising functions under the Act. The guidance explains that the Housing Contribution Statements are an integral part of the Strategic Commissioning Plan;
- Local authorities duties to homeless people include a statutory responsibility to anyone threatened with, or experiencing, homelessness;
- The aim of the **Children and Young People (Scotland) Act 2014** is to make Scotland the best place to grow up by putting children and young people at the heart of planning and delivery of services and ensuring their rights are respected across the public sector.

- Essential Links To Consider When Developing A LHS

2.4   The LHS should include a short summary of progress that has been made in achieving the outcomes set in the previous LHS together with any outstanding actions needing to be taken forward reflected in the LHS Outcomes Action Plan.

2.5   LHS policies, outcomes and actions should support and link with wider national and local outcomes and targets in order for it to be considered a robust strategy. A joined up and collaborative approach should help to ensure a more effective and efficient local housing system.

2.6   The Housing Need and Demand Assessment (HNDA) is a primary element of the evidence base for the LHS and Development Plans, and its findings should help determine outcomes and priorities for future housing and related service delivery. Additionally, local authorities are encouraged to identify and consider latest and accurate equalities statistics and research to help determine outcomes and priorities for disabled people.

2.7   When setting out the workings behind the Housing Supply Target, the housing estimate(s) from the HNDA should be referenced. Findings from the HNDA should be set out in the local context section of the LHS, and be used throughout the LHS as appropriate, to evidence the need for a policy, outcome or action.

2.8   Local authorities are encouraged to undertake HNDAs at functional housing market level and therefore, some local authorities may wish to work together

to develop a HNDA. Local Authorities may prepare a joint local housing strategy. Section 89(9) of the 2001 Act enables this to be done, but it should be noted that any joint strategy must cover whole local authority areas.

- Development Plan

2.9   Scotland's planning authorities have an integral role in the delivery of new homes. Development Plans set out the long term vision for where development should and should not happen in the places they cover. Planning authorities are responsible for the Development Plan in their area and they have to consult with the Scottish Government and other stakeholders during the plan preparation process. Development plans help the Scottish Government to deliver the strategy and policy set out in the **National Planning Framework** and **Scottish Planning Policy**.

2.10   The **Planning (Scotland) Act 2019** received Royal Assent in July 2019 and includes new measures that will make important changes to the status of the National Planning Framework, and how Development Plans are prepared. Work on a revision to the National Planning Framework plus associated secondary legislation and guidance for development planning will commence in autumn 2019. These changes, once finalised, will be reflected in future guidance and transitional arrangements are in development.

2.11   This guidance focuses on the existing system, ahead of the changes introduced by the Planning (Scotland) Act 2019 being enacted. A Development Plan can currently consist of up to three parts:-

- A Strategic Development Plan (SDP) is currently required for the four largest city regions – Aberdeen, Dundee, Edinburgh and Glasgow.
- A Local Development Plan is required for each council area across Scotland. It allocates sites, either for new development, such as housing, or sites to be protected;
- Supplementary Guidance can currently be part of the Development Plan when it has met legal requirements, including carrying out a public consultation. It can provide further information or detail on the policies or proposals that are in the Development Plan.

2.12   Following implementation of the changes in the Planning (Scotland) Act 2019, the Development Plan will consist of both the Local Development Plan (LDP) prepared by planning authorities and the National Planning Framework (NPF) to be prepared by the Scottish Government and approved by the Scottish Parliament. The Planning (Scotland) Act 2019 sets a requirement for NPF to contain 'targets for the use of land in different areas of Scotland for housing'. Further collaborative work to define how this will be achieved is expected to commence in autumn 2019.

2.13   Local authorities, as both the statutory housing and planning authority, are responsible for assessing housing requirements, ensuring a generous supply of housing land and enabling the delivery of the both market and affordable housing. Where a local authority is not the Planning authority (such as in

National Park areas) local authorities are encouraged to work closely with the National Park authority to ensure housing related interests are appropriately supported through the Development Plan process.

2.14   Housing and planning authorities should continue to work closely together to take forward the processes that underpin effective housing planning and the delivery of strong local housing outcomes. The principles for this have been set out in Scottish Planning Policy and guidance on HNDAs.

2.15   The development of the LHS is linked to the timescales for Development Plans and the two should be closely aligned, with joint working between housing and planning officers. Local authorities should progress LHS and Development Plans together, however, they may wish to wait until the Main Issues Report is complete and the new Development Plan adopted, before finalising the LHS, to ensure that any modifications to the plans can be reflected in local housing strategies.

2.16   Through Development Plans and Local Housing Strategies, local authorities will determine the appropriate housing required in their area, informed by their HNDA. The HNDA should be prepared in line with the Scottish Government's **HNDA Guidance** and undertaken every five years. Through its LHS and the HNDA that supports it, a local authority should consider the current and future need for housing including the number, location, type, size and tenure of housing required to address the need in their communities.

2.17   The HNDA, Development Plan, and LHS processes should be closely aligned and the Scottish Government encourages close working between housing and planning teams. The principles for this have been set out in **Scottish Planning Policy.** The Scottish Government plans to revise Scottish Planning Policy, which will be integrated with the National Planning Framework 4 ('NPF4'). NPF4 will set out a national spatial strategy and it will include national land use planning policies and form part of the Development Plan.

2.18   **Community Planning -** Part 2 of the **Community Empowerment (Scotland) Act 2015** sets out the relevant duties of Community Planning Partnerships (CPPs). These Partnerships, made up of local service providers, are responsible for producing two plans that describe local priorities and improvements:

- Local Outcomes Improvement Plans (LOIP) – which cover the whole local authority area;
- Locality Plans which cover smaller areas, usually those that will benefit most from improvement. (A CPP will produce at least one locality plan).

2.19   The LHS should show how its outcomes and priorities fit with those set out in both the LOIP and the Locality Plan(s) and how the development of priorities and outcomes have been influenced by the community engagement undertaken to inform these plans. Where local authorities have identified

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other areas, not covered by Locality Plans, and these have been identified as priority areas for housing activity these should be also be set out in the LHS.

2.20   Priorities and outcomes identified in the LHS help inform local authority Strategic Housing Investment Plans which set out the key strategic housing investment priorities over a five year period.

2.21   The LHS should demonstrate how the development of priorities and outcomes have been developed collaboratively with Integration Authorities. This is covered more fully in the Section 13 'Housing and Health and Social Care Integration'.

- Place Principle

2.22   Housing has a vital role to play in creating and improving communities and neighbourhoods. The Scottish Government and COSLA have agreed to adopt the **Place Principle** to help overcome organisational and sectoral boundaries, to encourage better collaboration and community involvement, and improve the impact of combined energy, resources and investment in Scotland's regions, cities, towns, neighbourhoods, villages and islands.

2.23   The Place Principle aims to promote a shared understanding of place, and the need to take a more joined-up, collaborative approach to services and assets within a place to achieve better outcomes for people and communities in which they live. The Place Principle is not prescriptive – rather, it encourages and enables local flexibility in responding to issues and circumstances in different places.

2.24   The Place Principle recognises that:

- *Place is where people, location and resources combine to create a sense of identity and purpose, and is at the heart of addressing the needs and realising the full potential of communities. Places are shaped by the way resources, services and assets are directed and used by the people who live in and invest in them.*

- *A more joined up, collaborative and participative approach to services, land and buildings, across all sectors within a place, enables better outcomes for everyone and increased opportunities for people and communities to shape their own lives.*

- *The Principle requests that: All those responsible for providing and looking after assets in a place need to work and plan together, and with local communities, to improve the lives of people, support inclusive growth and create more successful places.*

- *We commit to taking: A collaborative, place based approach with a shared purpose to support a clear way forward for all services, assets and investments which will maximise the impact of their combined resources.*

2.25   The LHS should show how the Place Principle is being used by the local authority to deliver change within communities and achieve desired outcomes.

- National Priorities, Plans & Targets

2.26   The LHS should demonstrate how delivery of good quality housing, housing services and other place based interventions in the local authority area supports and helps deliver National Priorities, Plans and Targets (including those set out in the **Housing and Regeneration Outcomes Framework**) which are summarised in **Annex A**.

2.27   Local plans and strategies that have an impact on housing should be reflected in the LHS, with the relevant links provided. These will vary across local authority areas but may include a local authority's corporate strategy and vision statements.

- Developing and Recording of Outcomes

2.28   The LHS should be based on delivery of outcomes, which have been determined and informed by national and local priorities, targets and aspirations, through collaboration with stakeholders, such as NHS Scotland, Integration Authorities and through wider public engagement.

2.29   Agreed outcomes should be recorded in the LHS Outcomes Action Plan, linked to the Local Outcome Improvement Action Plan/Locality Plans and other relevant local authority plans.

2.30   Actions within the LHS Outcomes Action Plan should be recorded in a way that best supports effective annual monitoring and an example template is located at **Annex B**.

2.31   Each action should have a:

- Baseline (starting point);
- Target (end point);
- Milestones (points of progress);
- Range of indictors and measures (to measure progress);
- Timeframe.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A summary of progress achieved against delivery of outcomes in the previous LHS together with information on any outstanding actions being taken forward in the new LHS.

b) Evidence of progress achieved to date of delivery of statutory requirements together with future progress to be made against delivery of statutory requirements.

c) How the Place Principle is being used to deliver change within communities and achieve desired outcomes.

d) All essential links have been made to wider national Scottish Government priorities and plans together with links to local plans and strategies.

e) Evidence how the development of outcomes have been influenced by community engagement and consultation to deliver national priorities, plans and targets.

f) A LHS Outcome Action Plan (template provided in Annex B)

3.   Equalities

- Legislative Requirement

3.1   Section 106 of the 2001 Act states that local authorities must exercise the functions conferred on them by the Act in a manner that encourages equal opportunities and observance of the equal opportunity requirements set out in the **Equality Act 2010**. More information on legislation to protect the rights and welfare of disabled people in Scotland can be found **here**.

3.2   Section 149 of The Equality Act 2010 includes a statutory public sector equality duty to:

- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity;
- Foster good relations between people who share a protected characteristic and those who do not.

3.3   The statutory duty requires consideration of the protected characteristics:

- Age;
- Disability;
- Sex;
- Pregnancy and Maternity;
- Gender reassignment;
- Sexual orientation;
- Race;
- Religion and Belief; and
- Marriage and Civil Partnership (with regard to eliminating unlawful discrimination in employment).

3.4   The **Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012** as amended also place obligations on listed authorities, including local authorities, to assess and review policies and practices. The specific duties are designed to help listed authorities meet the general public sector equality duty and are discussed further below in relation to Equality Impact Assessments.

3.5   To support Scottish public authorities in meeting their equality duties, the Equality and Human Rights Commission has produced **technical guidance on the Public Sector Equality Duty in Scotland** and a **range of non-statutory guidance,** including on equality outcomes, evidence, and making fair financial decisions. Local authorities are encouraged to consider this guidance prepared by the Equalities and Human Rights Commission on how public authorities can meet the requirements of the Equality Act 2010 and to use latest and accurate equalities data and research to help inform LHS priorities and outcomes.

3.6   Local authorities should ensure that equality is central to all housing and housing services delivery. The LHS should include a statement that reflects the local authority's commitment to addressing inequalities in housing and provide details on how this will be achieved.

3.7   Local authorities are expected to demonstrate how findings from an Equality Impact Assessment (EQIA) have translated into priorities and outcomes in the LHS.

3.8   More information on legislation to protect the rights and welfare of disabled people in Scotland can be found **here**.

- Fairer Scotland Duty

3.9   Given the strategic nature of housing delivery, local authorities, in developing a LHS, should give due consideration to the **Fairer Scotland Duty** which came into force in April 2018 (Equality Act 2010, Part 1). This duty places a responsibility on the public sector to reduce inequalities of outcome, caused by socio-economic disadvantage, when making strategic decisions. A housing case study is included in the **Fairer Scotland Duty guidance**.

- Equality Impact Assessment (EQIA)

3.10   An Equality Impact Assessment (EQIA) is required where a policy or strategy affects people either directly or indirectly. An EQIA has been prepared by the Scottish Government to accompany this guidance and a copy is located **here**. The Scottish Government would therefore expect to see a full EQIA undertaken on a LHS. An EQIA should be undertaken at the same time as the development of the LHS so that findings from the EQIA can actively inform the LHS. The EQIA process should be proactively looking for opportunities to promote equality. In making the assessment, local authorities must consider evidence, including evidence received from equality groups and address any issues identified in a LHS.

3.11   The EQIA should be referenced in the LHS with a web link provided to the full EQIA. The LHS, EQIA and SHIP should all be available on the local authority website within a reasonable time to fully comply with the general Equality Duty and the specific duties.

- Health Inequalities Impact Assessment

3.12   The **Scottish Public Health Observatory web page** contains data on health inequalities for NHS boards, local authority and health and social care partnership areas that local authorities may wish to consider.

3.13   In developing a Local Housing Strategy, local authorities may wish to consider undertaking a Health Inequalities Impact Assessment (HIIA) to help it understand the impact that its policies are having for reducing health inequalities. Local authorities should be aware that a HIIA encompasses EQIA, Human Rights and Health Impact Assessment all as part of the one

assessment and consider this when developing impact assessments to support the development of a LHS. Local authorities can consider the following tools and resources and if it prepares a Health Inequalities Impact Assessment, a web-link to a copy should be provided:-

- **Health Inequalities Impact Assessment**
- **Health Inequalities Awareness e-learning module**
- **Measuring health inequalities**
- **Health and Housing Case Studies**

- Child Rights and Wellbeing Impact Assessment

3.14   A Child Rights and Wellbeing Impact Assessment (CRWIA) should be undertaken as part of a joint assessment with the EQIA with any outputs published separately. A CRWIA will also support local authorities with their reporting duty under Part 1 Section 2 of the **Children and Young People (Scotland) Act 2014**. Guidance on prepare a CRWIA together with case studies is located **here**.

- Equality and Human Rights Impact Assessment

3.15   Local authorities may decide to extend the EQIA process to include wider Human Rights considerations and produce an **Equality and Human Rights Impact Assessment**. Local authorities are encouraged to consider the **PANEL Principles** as a guide to breaking down what a human rights approach means in practice.

4. Strategic Environmental Assessment

4.1   The **Environmental Assessment (Scotland) Act 2005** places a statutory obligation of considering and if necessary undertaking a Strategic Environmental Assessment (SEA) of all public plans, programmes and strategies. It is for each "responsible authority" to make a judgement on whether a plan, programme or strategy is likely to have any significant environmental effects, either positive or negative and therefore requires a SEA.

4.2   Given the LHS relationship with the LDP, it is the **informal** view of the SEA Gateway, that generally only a pre-screening notification would be required for a LHS. This is based on the assumption that all decisions and options surrounding housing would be assessed and consulted upon through the LDP process and so can avoid potential assessment duplication. Advice on pre-screening can be found in the Scottish Government's **SEA Guidance**.

4.3   The judgement of whether an SEA is required or not, is always for the responsible authority to make, however, the three statutory consultation authorities (Historic Environment Scotland, Scottish Natural Heritage and Scottish Environment Protection Agency) play a key role in SEA by bringing their individual environmental expertise to the assessment process. Consultation authorities do not provide a comment on pre-screening notifications; however, they can raise a concern to Scottish Ministers if they believe a plan, programme or strategy does not qualify to be pre-screened. We would encourage local authorities, if in doubt, to seek independent legal advice or contact the **SEA Gateway** for general guidance.

5.   Engagement & Consultation

- Legislative Requirement

5.1   The 2001 Act requires that local authorities consult on their LHS, and the statutory Equality Duty on public bodies requires the involvement, consultation and engagement of as wide a range of local residents and tenants and communities of interest as possible.

- Effective Engagement & Consultation

5.2   The Scottish Government advocates that engagement is underpinned by a Human Rights Based Approach that is aligned with the Community Empowerment Act (2015) and locality planning.

5.3   Early engagement helps to ensure that people have a greater opportunity to have their say and influence the future of their communities, including the delivery of housing and housing related services. As a result, the LHS should be a robust strategy that reflects local need accurately and shows the influence that local people have had on the development of LHS priorities and outcomes.

5.4   Best Practice for public bodies for engagement with communities is set out in the seven **National Standards for Community Engagement.**

5.5   Local authorities may wish to consider **Visioning Outcomes in Community Engagement** (VOiCE) which has been developed and supported by the Scottish Government to implement the National Standards for Community Engagement. VOiCE is planning and recording software that assists individuals, organisations and partnerships to design and deliver effective community engagement.

5.6   The LHS should demonstrate how engagement and consultation:

- Was undertaken early on in the LHS development process and how it has continued through its development and subsequent annual review;
- Used a range of media to ensure as wide an audience as possible within local communities and from relevant representative groups including people with or who share protected characteristics;
- Ensured, in an effort to end inequality, that the make-up of the local population is accurately reflected;
- Recognised that some people's views may not be readily heard through traditional engagement methods and provide evidence of how those less willing or able to engage, were given the opportunity to do so;
- Has influenced the development of LHS priorities, outcomes and actions.

5.7   The LHS should set out which stakeholders have been consulted during the development of the LHS, with a web link provided to appropriate engagement/consultation strategy or supporting papers.

5.8   Local authorities are encouraged to continue to engage with stakeholders during the duration of the LHS to help inform progress and review LHS outcomes.

5.9   Some engagement will be through existing networks and working groups and be based on continuous dialogue and improvement, such as the Health and Social Care Partnership. Engagement could also be further strengthened with collaboration between the local Public Health Team and housing colleagues.

5.10   The Scottish Government strongly advocates a co-production approach to public services. It is a more inclusive process than standard consultation as it places people at the heart of the design and delivery of services. Involving people at the beginning of the LHS development process facilitates the empowerment of service users and frontline staff, allowing the strategy to be developed "with" and "by" people rather than "for" them. As outlined in **guidance** prepared by the Equalities and Human Rights Commission, reasonable steps should be taken to involve people with all protected characteristics.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A web-link to a copy of the EQIA and CRWIA.

b) A web-link to copies of any Health Impact Assessment or Equalities and Human Rights Impact Assessment.

c) Evidence of early engagement with a wide range of people and communities of interest that has helped inform the LHS development process, including the use of co-production, as appropriate.

d) Evidence of who and how people, in particular those who are harder to reach and people with, or who share protected characteristics, were given the opportunity to become involved and evidence that those engaged with were representative of the local population.

e) A summary explaining how the views of people/groups have helped to influence the development of LHS priorities and outcomes.

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6. Local Context

6.1 The LHS should include **a concise** description of the local authority area to illustrate the context within which the LHS outcomes are to be delivered. It would be helpful to include how the area links with neighbouring authorities, the urban/rural split of the area and the overall number and distribution of the population. Anything in the area that has a particular influence on housing and housing related services delivery including the findings of the EQIA should be included in the LHS.

6.2 Any significant points coming from the HNDA which have provided evidence that has helped shape and determine LHS priorities and outcomes should be set out.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A summary of the local authority area location, urban/rural split, house condition, and population information as it impacts on the delivery of housing and housing related support.

b) A summary of significant points from the HNDA that have influenced the development of LHS priorities and outcomes.

7. Housing Delivery

- Housing Overview

7.1   Local authorities, as both the statutory housing and planning authority, are responsible for assessing housing requirements, ensuring a generous supply of housing land and enabling the delivery of both market and affordable housing. The LHS should set out the authority's strategic vision for housing, taking into account national policy objectives and local priorities, based on need and demand evidence from the HNDA.

7.2   Over the current Parliamentary term from 2016-2021, the Scottish Government aims to spend more than £3.3 billion to support the delivery at least 50,000 affordable homes. Funding for affordable housing is available through the Affordable Housing Supply Programme (AHSP), which forms part of the Scottish Government's More Homes Scotland overarching approach to support the increase in the supply of homes across all tenures.

7.3   Under the 'More Homes Scotland' approach, the Scottish Government is increasing the provision of homes across all tenures through a range of measures including the AHSP, the Rural and Islands Housing Fund, the Building Scotland Fund, the Housing Infrastructure Fund and innovative funding measures such as Build-to-Rent. In developing a LHS, Local authorities should consider the various approaches under More Homes Scotland in developing housing priorities and outcomes.

7.4   In the **Programme for Government 2018-19,** the Scottish Government makes a commitment to plan together with stakeholders for how our homes and communities should look and feel in 2040, and the options and choices to get there. The Scottish Government will launch a formal public consultation in the autumn on its Housing to 2040 vision and principles, together with policy choices and options for how to get there. The outputs from the autumn consultation will help inform the final vision and a route map to 2040, which the Scottish Government aims to publish in spring 2020.

7.5   The LHS should demonstrate that the local authority has a good understanding of need and demand, housing supply, flows across the housing system, between tenures, and how this has influenced decisions related to house size, type, tenure and accessibility within communities, sub areas and across the local authority area as a whole. Local authorities should set out clearly their priorities for housing investment including specific provision, areas or communities of focus and activity over the period of the LHS.

7.6   Where the HNDA and LHS process identify particular shortages of affordable or specialist housing types in parts or all of the areas, proposals for this should be clearly set out in the LHS particularly where the local authority considers that the Development Plan has a role to play in meeting these requirements.

- Aligning Land and Housing

7.7   Housing and planning authorities should continue to work closely together to take forward the processes that underpin effective housing planning and the delivery of strong local housing outcomes. As outlined in paragraph 2.15 above, the development of the LHS is linked to the timescales for Development Plans and the two should be closely aligned, with joint working between housing and planning officers.

7.8   The local authority is the statutory authority for housing and is in most cases also the planning authority. However, for land contained within a National Park, the National Park Authority is the statutory planning authority and must work closely with relevant local authorities to agree housing priorities and deliver land for housing.

7.9   Scottish Planning Policy states that the planning system should contribute to raising the rate of new house building by identifying a generous supply of land for the provision of a range of housing, including affordable housing, in the right place.

7.10   In recognition that having a HNDA on the same timeframe may not be effective to drive housing policy and housing investment decisions, local housing authorities will be expected to undertake a revised HNDA around every five years to align with LHS development.

7.11   The ability to provide housing of the right type in the right place to meet the needs of the current and future population is fundamental to the LHS, and local authorities are encouraged to consider engaging with a range of stakeholders as outlined in Section 5 of this guidance.

7.12   Throughout the lifetime of the LHS, local authorities should consider the contribution that surplus public sector land can make to the delivery of affordable housing in their area, including for key workers, which is necessary to sustain public and other local services, as appropriate. **Planning Advice Note (PAN) 2/2010: Affordable Housing & Land Audits** advises on increasing affordable housing and the preparation of housing land audits.

- Housing Supply Target

7.13   The LHS should include a summary on the level and type of housing to be delivered over the period of the LHS, and crucial to this is the setting of a Housing Supply Target (HST). A separate background paper should explain in detail how the HST was determined and agreed, and a copy web link provided.

7.14   In setting and agreeing the HST, full consideration should be given to factors that may have a material impact on the pace and scale of housing delivery, such as:

- Economic factors which may impact on demand and supply;
- Capacity within the construction sector;
- The potential inter-dependency between delivery of market and affordable housing at the local level;
- Availability of resources;
- Likely pace and scale of delivery based on completion rates;
- Recent development levels;
- Planned demolitions;
- Planned new and replacement housing or housing being brought back into effective use.

7.15   The setting and agreeing of the HST is also covered in the **HNDA Manager's Guide**.

7.16   The HST should be split into market and affordable and expressed at both local authority and functional housing market area level. For local authorities covering a large geographic area or with distinct sub-markets, it may be helpful to set out the HST at sub-housing market area level.

Areas the Scottish Government would expect to see addressed in each LHS:

a) The local authority's strategic vision and its priorities for housing across all tenures taking into account both national and local priorities.

b) A summary of the level and type of housing to be delivered over the period of the LHS together with an explanation around how the Housing Supply Target (split into market and affordable) has been determined and a web link or copy of any background paper explaining how it has been identified.

c) Demonstration of a good understanding of need and demand, housing supply, flows across the housing system, between tenures and how this is reflected in the LHS by size, type, tenure, accessibility together with any evidence on whether this has influenced or been affected by any amendments made to the LDP.

- Rural Housing

7.17   The character of rural and island communities range from higher populated and more pressured areas around towns and cities to less populated, remote and more fragile communities. The challenges faced in providing good quality new housing, housing maintenance and the delivery of housing related services that meet the needs of people living in rural communities also varies.

7.18   The Scottish Government's **Rural & Islands Housing Funds** aim to increase the supply of affordable housing of all tenures in rural Scotland and contribute to the Scottish Government's 50,000 affordable homes target.   More information, including details of the organisations, areas eligible to apply and case studies is located **here**.

7.19   Within the National Parks, the National Park Authority is the statutory planning authority for the area but the statutory responsibility for housing remains with the relevant local authorities that the Park covers. The LHS should evidence the close working relationship between the National Park and the local authority to evidence that there is a joined up approach to housing delivery.

7.20   **Scottish Planning Policy** recognises the contribution that housing can make to sustaining remote and fragile communities and includes provisions for small-scale housing developments or single units to be supported where it contributes to sustainable economic growth.

7.21   The **Islands (Scotland) Act 2018** introduces a number of measures to underpin the Scottish Government's key objective of ensuring that there is a sustained focus across Government and public sector to meet the needs of island communities now and in the future.

7.22   Local authorities with inhabited islands in their area should have regard to the duties in the Island (Scotland) Act 2018 to consult island communities in relation to a policy, strategy or service that is likely to have an impact on an island community. A LHS, for a local authority area that includes island communities, should ensure that the duties are supported and reflected in the LHS as appropriate. Scottish Government currently expect to lay the regulations required to implement the Islands Communities Impact Assessments before the end of 2019, and to have the statutory guidance available to coincide with the provisions of Part 3 coming into force, in early 2020.

7.23   The LHS should show how the local authority is working with a range of stakeholders, such as, Forestry and Land Scotland, Scottish Forestry, Small Communities Housing Trusts and a range of other community groups, to address the challenges of living in more rural areas to effectively deliver housing and housing related services.

7.24   The LHS should summarise the challenges faced by the local authority in the delivery of housing and housing related services in rural areas. The LHS should evidence the impact on service delivery that restricted access and connectivity can have on social inequality for those living in a rural location and how these impacts are being better understood, considered and addressed.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A summary explaining the distinctive issues (including any challenges) for housing and housing related services in rural areas together with an explanation for how these are currently being addressed and what plans there are to address these in future.

b) A summary explaining how the local authority is working with a range of stakeholders, such as, Forestry and Land Scotland, Scottish Forestry, Small Communities Housing Trusts and a range of other community groups to deliver housing and housing related services for people in rural areas.

c) If appropriate, how any consultation with island communities has helped influence the development of LHS priorities and outcomes and a web link to a copy of the Island Communities Impact Assessment that has been prepared in relation to the LHS.

- Private Rented Sector

7.25   The Private Rented Sector (PRS) has undergone significant change in terms of the overall size of the sector and the tenant and landlord profile. "A Place to Stay, A Place to Call Home: a Strategy for the Private Rented Sector in Scotland" ('the PRS strategy') sets out a vision for "a private rented sector that provides good quality homes and high management standards, inspires consumer confidence, and encourages growth through attracting increased investment".

7.26   Since the publication of the PRS strategy, the Scottish Government has undertaken a range of work to drive forward improvements in the PRS, including introducing a new Private Residential Tenancy, regulating letting agents and publishing statutory guidance for local authorities on landlord registration.

7.27   Local authorities should develop a broad understanding of the extent and location of the PRS in the local authority area for both private rented sector and the social rented sector together with any local issues for the sector fully explained.

7.28   The LHS should set out how the local authority is meeting the three strategic aims of the strategy which are to:

- Improve the quality of property condition, management and service in the sector;
- Deliver for both tenants and landlords - meeting the needs of those living in the sector and those seeking accommodation and landlords committed to continuous improvement;
- Enable growth and investment to help increase overall housing supply.

7.29   A local authority can apply to Scottish Ministers to have an area designated as a "**Rent Pressure Zone**" if it can prove that:

- Rents in the area are rising too much;
- Rent rises are causing problems for tenants;
- The local authority is coming under pressure to provide housing or subsidise the cost of housing as a result.

7.30   Rent Pressure Zones only apply to rent increases for tenants with a Private Residential Tenancy and if an area is designated, a cap (maximum limit) will be set on how much rents are allowed to increase each year for exiting tenants (with a Private Residential Tenancy). A Rent Pressure Zone Checker is located **here**.

- Build to Rent

7.31   The Build to Rent (BtR) sector provides opportunities to diversify housing delivery and increase housing choice. Build-to-Rent is the term used for the residential schemes being designed, built and managed specifically for rent, whilst PRS (Private Rented Sector) is the catch-all for all rented homes, including Buy-to-Let (BTL). Planning Delivery Advice on Build to Rent sets out the opportunities and challenges of the BtR sector and is located **here**.

7.32   The LHS should demonstrate that consideration has been given to delivery of housing through Build to Rent. If a strategy has been developed then reference should be made to this in the LHS.

Areas the Scottish Government would expect to see addressed in each LHS:

a) Information on the extent and location of the PRS in areas together with information on any local issues that have been identified.

b) A summary explaining how the local authority is meeting the aims of the PRS Strategy as summarised in Para 7.28 above.

c) Details of any designated Rent Pressure Zones or any current applications submitted to Scottish Ministers seeking to have an area designated as a Rent Pressure Zone.

d) Inclusion of outcomes in the action plan to address any issues that have been identified and which support the aims of the PRS strategy.

e) A statement that demonstrates that Build to Rent has been considered together with reference to any strategy that has been developed.

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- Self-Build/Custom-Build

7.33   The Scottish Government recognises the important role that self and custom build housing can play in providing homes, sustaining communities and supporting smaller building companies in both rural and urban areas.

7.34   Self-build, or on a larger scale, custom build can be individually driven, collective, or community led, providing viable options for a range of households. It can be an affordable option for housing delivery, with the flexibility to support the development of accessible housing.

7.35   Developers of custom-build projects work with individuals or groups of individuals to provide new housing, using a range of different models and approaches. This differs from self-build, where an individual organises the development. Self-build and custom-build can be viable alongside mainstream developer activity or as a way of encouraging private sector investment in areas where developers have shown less interest.

7.36   The LHS should show how the local authority has determined if there is local demand for self-build/custom-build housing in their area and whether it could support any identified demand through to the provision of suitable serviced plots.

7.37   The recently published Planning (Scotland) Act 2019 requires local authorities to prepare and maintain a list of persons who have registered interest with the authority with the intention of acquiring land in the authority's area for self-build housing. The Act states that local authorities are to publish these lists for example, by use of the internet.

Areas the Scottish Government would expect to see addressed in each LHS:

a) How the local authority intends to prepare and maintain a list of those interested in acquiring land for self-build in their area. Local authorities should consider the key information the list will record, how it will maintain the lists and crucially, how it will respond to the demand for land for self-build.

b) How it plans to publish these lists.

c) A statement on what advice/information/assistance is available locally and how this can be accessed, including how to register interest in self-build/custom-build.

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8.   Place Making & Communities

- Making Sustainable Places

8.1   Housing and place have an important effect on our lives, health and
        wellbeing. Creating high quality places, whether new or existing, helps tackle
        inequalities, allowing communities to thrive. Places that are well designed,
        safe, easy to move around, offer employment and other opportunities and
        with good connections to wider amenities will help create vibrant sustainable
        neighbourhoods for people to live, work and play. Quality of place has an
        important role to play in improving **health and wellbeing** and reducing health
        inequalities.

8.2   Place-Making is one of the two Principal Policies of **Scottish Planning
        Policy** (SPP) and is a creative, collaborative process that includes design,
        development, renewal or regeneration of our urban or rural built
        environments. The outcome should be sustainable, well designed places
        and homes, which meet people's needs.

8.3   While planning, construction, housing and transport policy all lie outside the
        remit of the health service, they all materially impact people's health. Place-
        making should therefore be considered alongside **Public Health Priority** "A
        Scotland where we live in vibrant, healthy and safe places and communities"
        and which is reflected in **Scotland's National Performance Framework**
        "We live in communities that are inclusive, empowered, resilient and safe".

8.4   The LHS should demonstrate what the local authority's approach to
        supporting new and existing neighbourhoods based on Place-Making
        principles and to promote housing's role in the building of successful and
        sustainable places. The six qualities of a successful place, set out in
        Creating Places:

        - **Distinctive**
        - **Safe & Pleasant**
        - **Easy to Move Around / Connected** More information is located **here**.
        - **Welcoming**
        - **Adaptable**
        - **Resource Efficient**

- Community Involvement

8.5   This means taking a design-led, holistic approach in housing developments
        that responds to and enhances the existing place, while balancing the costs
        and benefits of potential opportunities over the long term. High quality places
        can be achieved when considering the relationships and best balance
        possible between:

        - A successful, sustainable place
        - A natural, resilient place

- A connected place
- A low carbon place

Key documents listed below:

- **Creating Places – A Policy Statement on Architecture and Place for Scotland**
- **Designing Streets**
- **Green Infrastructure: Design and Placemaking**
- **Planning Advice Note 77: Designing Safer Places**

8.6   The quality and design of places has been shown to significantly influence individuals and communities to live more healthily and sustainably. Wellbeing and quality of life, physical and mental health and social and cultural acceptance can all be influenced by the quality of place.

8.7   Charrettes (or community design workshops) encourage communities to take part in the development of ideas for the future of their towns, villages and neighbourhoods. Working directly with professionals, a vision, masterplan or action plan can be generated to help create and improve place. The collaborative nature of community-led workshops allows for wider social and economic issues that affect a community to be considered, alongside the physical design issues.

8.8   The LHS should demonstrate that effective partnership working and local community engagement processes are in place to help ensure the best outcomes when creating or improving places.

8.9   The **Community Empowerment Act 2015** places a requirement on Community Planning Partnerships to prioritise outcomes for localities and embeds the principle of working with communities to ensure development and regeneration activity meets the needs of the community and maintains community networks.

- The Place Standard

8.10   The **Place Standard**, developed by the Scottish Government in partnership with NHS Health Scotland and Architecture and Design Scotland, is an easy to use tool that provides a simple framework on which to structure conversations about place.

8.11   The Place Standard's 14 themes cover the social, economic and physical characteristics of place. The tool can be used to highlight assets and areas for improvement, facilitate community engagement to help shape a new place or assess the quality or performance of an existing place. The evidence and theory of how place can impact on health and wellbeing is embedded within the tool which can help to articulate the contribution housing makes to health outcomes and the reducing of health inequalities and support of the prevention agenda.

8.12   The Place Standard Tool is already widely used by local authorities primarily to engage with local communities to inform Local Outcome Improvements and Locality Planning. Case studies of how the standard has been used to inform housing strategy and deliver better places are located **here**.

8.13   The LHS should reflect work undertaken using the tool and how it has involved communities in developing the strategy.

- Regeneration

8.14   The Scottish Government's **Regeneration Strategy** recognises that a sustained and co-ordinated place based approach is needed across the public sector and its partners, working with people and communities to address the deeply ingrained economic, environmental and social issues faced by some of the most disadvantaged, fragile and remote communities. Regeneration in cities, towns, villages, communities and remote areas should be underpinned by community empowerment, a place based approach and inclusive growth.

8.15   Regeneration should focus on inclusive growth by supporting local aspiration and involving local communities to attract investment and increase job opportunities. Improved economic, social and environmental outcomes are achieved through community-led solutions, which deliver projects and services specific to a community's needs and aspirations, through collaborative partnerships with a vested interest in the local area. This approach is set out in the **Economic Action Plan**.

- Town Centres

8.16   Town centres are facing particular challenges as retail patterns change and evolve and it is essential that towns are supported to re-purpose and diversify. Towns and town centres should be vibrant, creative, enterprising and accessible. Housing development and re-provisioning will help to get people back living in town centres. Infrastructure investment has the potential to make public services more accessible, support community based projects and initiatives and improve transport and access within town centres and high streets, increasing footfall and having a positive impact on retail viability, safety and security.

8.17   The Town Centre First Principle has been adopted to ensure that planning and investment supports the regeneration and sustainability of towns and town centres. The principle calls for the health of town centres to be put at the heart of the decision-making processes that drive public sector investment, policy alignment and available resources. **The Town Centre Toolkit** features all the ideas and examples of sustainable streetscapes, design and planning.

8.18   The LHS should show how the local authority is using the Town Centre First principle, partnership collaboration and investment to support and/or improve its towns and town centres.

- Compulsory Purchase Order Powers

8.19   Powers to purchase land compulsorily are an important tool for local authorities to use to acquire land that is needed to enable projects that are in the public interest to proceed.

8.20   A Compulsory Purchase Order (CPO) can be used to bring forward housing through major land assembly, regeneration or to bring back into use a single empty property.

8.21   Use of a CPO should be considered when:

- It is not possible or practical to buy the land or building by agreement; and
- The public interest out-weighs the rights of the property owner(s) affected.

8.22   Guidance on CPOs and case studies are located **here**. Scottish Government officials are available to discuss the potential use of compulsory purchase by authorities.

8.23   The LHS should set out the circumstances in which the local authority will consider the use of CPOs as a pro-active tool to bring forward housing and regeneration.

- Empty Homes

8.24   Every empty home is a missed opportunity to provide a home to someone who needs it with a warm, safe, sustainable roof over their head. The Scottish Empty Homes Partnership, funded by the Scottish Government, and led by Shelter Scotland helps local authorities work with owners to bring their empty properties back into use. The work of the Partnership (at March 2019) has helped bring 4,340 homes back into use and Scottish Ministers want to see this figure continue to grow and for the number of Empty Homes Officers in local authorities to increase. To support this, Scottish Ministers have doubled the funding available for the period 2018-2021.

8.25   The LHS should set out the number of empty homes in the local authority area and the authority's plans to address this, including the use of CPO powers as appropriate.

8.26   The LHS should include a target for the number of empty homes to be brought back into use over the lifetime of the LHS and for this to be reflected in the LHS Outcomes Action Plan.

8.27   If a local authority has a separate Empty Homes Strategy, this should be referenced in the LHS and a web link to the strategy provided.

8.28   Local authorities can use **The Local Government Finance (Unoccupied Properties etc.) (Scotland) Act 2012** to remove the discount attached to certain types of unoccupied homes and to increase the level of council tax payable. The LHS should provide information on how the local authority uses their council tax varying powers, the sums generated and how these are used to support more empty homes being brought back into use.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A summary explaining what the local authority's approach is to supporting new and existing neighbourhoods based on Place-Making principles.

b) Evidence of partnership working and local community engagement processes that are in place to help ensure the best outcomes when creating or improving places.

c) A summary explaining the local authority's use of the Place Standard Tool together with how it has engaged with communities and how these have helped inform the development of the LHS;

d) A short explanation of the nature and function of town centres within the local authority area and how the local authority is using the Town Centre First Principle where any investment decisions have been made.

e) A summary setting out the circumstances in which the local authority will consider the use of CPOs as a pro-active tool to bring forward housing and regeneration and tackling empty homes.

f) Information on the extent of empty properties in the local authority area, an explanation of what the plans are for bringing these homes back into use (i.e. employing an empty homes officer and using empty homes loans/grants) and what the impact of this will be in addressing local housing need.

g) How increased income from council tax generation is being used to support housing delivery and bring empty homes back into use.

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9. Preventing & Addressing Homelessness

9.1   The Scottish Government wants to ensure that nobody has to face the blight of homelessness and everyone has a safe, warm place they can call home. Strong homelessness rights mean that those at risk of homelessness are entitled to help and support from local authorities.

9.2   The **Ending Homelessness Together Action Plan** sets out a range of actions in response to the recommendations of the Rough Sleeping Action Group (HARSAG) and will transform how those at risk of homelessness receive help.

9.3   The 2001 Act places a statutory duty on each local authority to carry out an assessment of homelessness in its area and to prepare and submit to Ministers, a strategy (as part of the LHS) for the prevention and alleviation of homelessness. The Scottish Government guidance on prevention of homelessness is located **here**.

9.4   Any approach that is taken to address homelessness should be underpinned by robust, accurate and up to date evidence on the extent and nature of homelessness. The LHS should include an overall homelessness figure, broken down by age, gender, location, household composition and the reason(s) for being homeless.

9.5   People more likely to be at risk from homelessness are those affected by domestic abuse, leaving prison or hospital, in other supported accommodation or leaving the armed forces, refugees/asylum seekers, people with a mental health condition, and people using alcohol and drugs. This should be reflected in the LHS, as appropriate.

9.6   Local Authorities should work closely with a range of stakeholders, including RSLs, Private Sector Landlords, the third sector and health and social care partnerships, to help ensure that collaboration results in a positive and effective contribution being made to the homelessness agenda at a local level. The main focus should be on the prevention of homelessness, potentially through the **housing options approach**, developed by the Scottish Government, COSLA, ALACHO and local authorities.

9.7   People who experience domestic abuse have distinctive support needs. Local authorities are encouraged to work with their local Violence Against Women and Girls Partnerships to help inform the development of a LHS and ensure that a gender sensitive approach, that recognises the dynamics of domestic abuse, is considered at the outset. Local authorities are encouraged to consider **Equally Safe - Scotland's Strategy for Preventing and Eradicating Violence Against Women and Girls** & the **Equally Safe Delivery Plan** and set out in its LHS how its housing and housing related services will drive continuous improvement in ensuring that women and girls at risk of and experiencing violence and abuse receive joined up, effective mainstream and specialist service support.

9.8 Local authorities are encouraged to consider **Change, Justice, Fairness,** a research report on homelessness as a result of domestic or sexual abuse, which includes a number of key recommendations, some of which are relevant to local authorities in the strategic and operational delivery of services aimed at preventing homelessness for women and children, experiencing domestic or sexual abuse.

9.9 Local authorities are also encouraged to consider **Domestic Abuse: A Good Practice Guide for Social Landlords** (a joint publication of the Association of Local Authority Chief Housing Officers (ALACHO), the Chartered Institute of Housing (CIH), the Scottish Federation of Housing Associations (SFHA), Shelter Scotland and Scottish Women's Aid that is supported by COSLA) that was published in August 2019.

9.10 The LHS should set out the joined up approach in place to deal with known milestones and anticipated changes of circumstance. Individuals at risk should be identified early through good planning and partnership working, with effective housing provision and related services in place. A Housing Options protocol for care leavers can help plan for the corporate parent role. Guidance is located **here**.

9.11 The LHS should demonstrate how collaborative partnership working is helping to reduce inequalities for homeless people.

9.12 The LHS should demonstrate what links there are with local Housing Options Hub, with the LHS Outcomes Action Plan being consistent with Hub Action Plans.

- Temporary and Supported Accommodation - Impact of Welfare Reform

9.13 Welfare Reform has the potential to impact significantly on homelessness. All benefit changes should be taken into account when making decisions at local level, in relation to temporary and supported accommodation arrangements.

9.14 The use of hostels has diminished in favour of other forms of supported accommodation. However, in certain circumstances, there is still a role for hostels and an assessment of need for this type of accommodation may be required. The LHS should include information on the use of hostel accommodation locally and any plans it has for the future. With the development of Housing First across Scotland, settled accommodation for people with the most complex needs, supported accommodation and hostels are currently being reviewed by local authorities and any future plans on supported accommodation should be summarised in the LHS.

9.15 Consideration should be given to the revision of the shared room rate and the implications this may have for people under the age of 35.

- Rapid Rehousing Transition Plans

9.16   The introduction of Rapid Rehousing Transition Plans (RRTPs) came from a recommendation made by HARSAG in 2018. The 5-year plans, were developed and submitted to the Scottish Government by all 32 local authorities by December 2018 and have been in effect since 1 April 2019. The Rapid Rehousing Transition Plan sets out how each local authority intends to implement a rapid rehousing approach, which is suitable for their local context over a five-year period between 2019 and 2024. The RRTPs are to be reviewed each year. Guidance is located **here**.

9.17   The rapid rehousing approach requires the local authority to work in partnership with a range of stakeholders, including RSLs, the third sector, tenants and residents. It aims to reduce the length of time people spend in temporary accommodation. The rapid rehousing approach does not only intend to move people from temporary accommodation quickly, it is also about ensuring that the settled accommodation provided is appropriate and sustainable and that a person-centred approach is applied when considering individual needs, such as geographical location, proximity to social networks, access to education or work etc.

9.18   The LHS should contain a short summary on each local authority's RRTP that should include the following areas:-

- A summary of the preventative action being taken to prevent homelessness;
- Plans around temporary accommodation provision including supported accommodation;
- Plans around provision of settled accommodation including the role of RSLs in this;
- What partnership working there has been in the development of the RRTP;
- Include details of which LHS outcomes are aligned with RRTP priorities/outcomes.

9.19   The LHS should ensure that there is a strategic fit between the RRTP and LHS Outcomes. In setting the housing supply target, each local authority should consider and reflect any additional housing supply needs to support the delivery of RRTPs.

Areas the Scottish Government would expect to see addressed in each LHS:

a) A summary of the local authority's approach to tackling homelessness all in accordance with paragraph 9.3 above.

b) A focus on prevention and consolidation of the Housing Options approach.

c) A summary of the appropriate support provision in place or being considered, to help those already homeless and those at threat of homelessness. This should also include a particular focus on how the requirements of the ***Housing Support Duty*** *are being addressed.*

d) Evidence of links to ***Scottish Social Housing Charter Outcomes****.*

e) Consideration of the impact Welfare Reform has on the provision of temporary and supported accommodation and clarification if hostel provision is still used by the local authority and what the future plans are for use of hostel provision and supported accommodation.

f) Establishment of links between LHS and the local Housing Options Hub.

g) A short summary of the local authority's RRTP covering the areas highlighted in para 9.18 above including links to LHS Outcomes.

10. Specialist Provision, Independent Living, Armed Forces, Key Workers, and Gypsy/Travellers

10.1 The **National Health and Wellbeing Outcomes** states that "*people, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community*". People should be enabled to live independently with freedom, choice, dignity and control through the availability of specialist provision across all tenures.

10.2 Specialist provision is accommodation and services that may be appropriate when mainstream housing does not meet an individual's needs. The need for specialist provision can be identified through the HNDA and EQIA process, Integration Authorities joint working and other local intelligence.

10.3 The LHS should articulate the local authority's understanding of local need for specialist provision of all types and its agreed approach to planning strategically for this need to ensure support for independent living, wherever possible, across all tenures. The local authority should take into consideration extra space that may be needed within a home where someone requires to store specialist equipment or have room for a carer to stay with them at given times.

10.4 The LHS should demonstrate a good understanding of the barriers people can face in being able to live independently in all tenures and evidence the specialist provision requirements of the local population. Effective engagement with individuals, representative groups and NHS and social care commissioners will be essential to ensure a shared understanding of need and delivery, with the approach and actions agreed in collaboration with Integration Authorities.

10.5 Although the reasons for requiring specialist provision to live independently will vary, and may be as a result of multiple and complex needs, the housing and/or support needs arising as a result, will often be the same or similar. The LHS should focus on the resulting need, whether this is bricks and mortar housing, and/or equipment or adaptations and/or a housing related service or range of services.

10.6 Whenever possible, specialist provision should enable a person to live independently in their own home. However in certain circumstances, such as concern over safety, the ability to manage alone or the level of care that is required, supported accommodation may be a more appropriate environment to support an individual to live safely and achieve their personal outcomes.

10.7 The LHS should describe the mechanisms the local authority has in place to allow it to plan effectively for, and react to, changes of circumstance and points of transition, such as: children moving into adulthood; those living with parents that are ready to live independently; those whose parents are no longer able to provide care for them at home; and those in hospitals or residential schools with no need to continue to stay in these institutions. Information from local

authority Education Departments should be considered in understanding the needs of children in the area.

10.8   The LHS should describe the strategies in place to provide sufficient and appropriate housing information and advice that supports people to access suitable accommodation and helps them to live successfully in that accommodation.

10.9   The LHS should include information on the local authority's policy for allocation of social rented stock that has been adapted, with a web link to the relevant Allocation Policy document. Consideration should also be given to the potential offered by the **Housing (Scotland) Act 2014** to use short tenancies to allocate a wheelchair accessible home to someone who does not require it, to prevent these homes from being un-used if there is no local need. Guidance on allocating homes in the social rented sector is located **here**.

10.10   The LHS should demonstrate that consideration has been given to the specialist provision requirements for those of all ages, in all types of household, across all tenures, including:

- Disabled people;
- People with learning disabilities;
- People who are vulnerable, frail, living with dementia, needing support to remain at home/living in the community;
- Gypsy/Travellers;
- Travelling Showpeople
- People with autism;
- People with mental health problems;
- People with complex needs
- People leaving supported accommodation – persons with convictions, looked after children, people with high support needs currently either in long term care in hospital or out of area placement, those discharged from hospital or a similar institution;
- People who require supported accommodation – e.g. at risk families, people who are homeless, those who cannot live independently;
- Young people transitioning to independent living for the first time
- Ethnic minorities, including migrants, asylum seekers and refugees;
- Lesbian, gay, bisexual and transgender people;

10.11   Guidance on what the LHS should include when looking at the needs of Gypsy/Travellers and Travelling Showpeople is provided in paragraphs 10.34 – 10.52.

10.12   The LHS should evidence that engagement has taken place with ethnic minority communities to understand and consider any needs that are additional to those covered by mainstream housing. The requirement for non-permanent accommodation should be considered if the intention is to stay in an area for only a short period of time. The LHS should consider the needs of

ethnic minority families for homes suitable for larger/extended family groups. It should also consider other specific cultural needs e.g. older members of the Jewish or Muslim communities.

10.13   The LHS should demonstrate that when assessing need for those leaving prison or a similar institution, consideration has been given to the Community Justice (Scotland) Act 2016 requirement of facilitating provision of general services that a person is likely to need following their release. The LHS should explain how housing officials and Community Justice Partnership are already collaborating or will collaborate in future to ensure that those who are leaving prison or a similar institution get the right housing support that they need.

10.14   In addressing the needs of those with a mental health problem, the LHS should make use of the Public Health Framework document **Good Mental Health for All**, which gives advice on how effective multi-agency working can improve mental health and wellbeing.

10.15   The "Keys to Life" strategy recognises that people who have a learning disability have the same aspirations and expectations as everyone else. It provides a focus on adopting a human rights-based approach to supporting and empowering people to live healthy and happy lives.

10.16   Local authorities are encouraged to consider the **Keys to Life** to help inform the needs of people who have a learning disability in developing a LHS.

10.17   "**Age, Home and Community: A Strategy for Housing for Scotland's Older People: 2012 – 2021**" contains a vision for housing and housing-related support for older people. A refreshed strategy, **Age, Home and Community – The Next Phase**, was published in August 2018. Local authorities are encouraged to consider both strategies to help inform the needs of older people in the development on a LHS.

10.18   The **Scottish Strategy for Autism** highlights that housing has a major role to play in delivering positive outcomes for autistic people and local authorities are encouraged to consider the needs of people on the autistic spectrum in the development of a LHS.

10.19   To support people to live as independently as possible, choice and flexibility should be available through the use of a range of different types of provision. The LHS should set out for each type of specialist provision:

- Current level of that provision;
- Current level of need for that provision;
- Current gap in provision;
- Future need for that provision and how this will be addressed with relevant delivery timescales.

- Wheelchair Accessible Housing

10.20   The Scottish Government wants disabled people in Scotland to have choice, dignity and freedom to access suitable homes, built or adapted to enable them to participate as full and equal citizens.

10.21   A Fairer Scotland For Disabled People Delivery Plan contains an action *"to work with local authorities, disabled people and other stakeholders to ensure that each local authority sets a realistic target within its LHS for the delivery of wheelchair accessible housing across all tenures and reports annually on progress".* In March 2019, the Scottish Government published guidance for local authorities to provide wheelchair accessible housing across all tenures and a copy is located **here**.

10.22   The LHS should include information on what target has been set for delivery of wheelchair accessible housing in the local authority area, highlighting what data/information has helped inform the development of the target, and demonstrate any relevant links to the Integration Authority Strategic Commissioning Plan and Housing Contribution Statement. This can be single target, setting out the requirement for housing across all tenures or can distinguish requirements by tenure and / or sub area where this can be evidenced. Local authorities are encouraged to collaborate with other services including Integration Authorities, Social Work (where children's services have not been delegated to Integration Authorities) and land use planning to help with service planning and implementation. Local authorities are required to report annually on progress against the target(s) and are expected to review annually as part of an annual report.

- Accessible & Adapted Housing

10.23   Accessible housing can be accessed easily from the outside and supports good freedom and safety of movement inside. People who use a wheelchair infrequently and mainly outside of the home may benefit from these kinds of homes. **Mandatory Building Standards 4.1 & 4.2** set out the accessibility requirements for all new build residential properties.

10.24   Adapted Housing may have had small adaptations added; minor changes made to the internal layout, or have been substantially remodelled with the possible addition of an extra room(s). Adaptations can assist in making everyday tasks more manageable and help prevent accidents in the home. The use of adaptations can help to reduce the need for care/support services, medical care or hospital admission. A copy of Scottish Government guidance on the Provision of Equipment and Adaptations is located **here** and a copy of the College of Occupational Therapist Report **'Adaptations Without Delay'** which is a guide to planning and delivering home adaptations differently.

10.25   Avoiding delays in discharging patients from hospital is a key priority in delivering good outcomes for people. Appropriate housing can be central to

helping deliver this priority. Having adaptations in place can ensure that a home can support timeous discharge from hospital or other care facility.

- Supported Housing

10.26   Supported accommodation is specifically designed to provide different levels of support for individuals, depending on need. The support is designed to facilitate independent living as far as is possible, within a homely setting such as, Residential/Care Homes, Sheltered and Very Sheltered/Extra Care housing.

- Non-permanent Accommodation

10.27   This type of accommodation will be found mainly in the private rented sector (PRS), and will be most suitable for those who intend to stay in accommodation for a relatively short period of time, e.g. university students. The accommodation could be a house or flat or a room or set of rooms in a House of Multiple Occupation (HMO).

- Care & Repair

10.28   The range of care and repair services can be many, varied, and available to people living in all tenures. The services available will be based on need and resources available, coming from either the public purse or based on a person's ability to pay.

10.29   The types of housing services on offer to support independent living may include a care & repair service, handyperson services, advice, and technology enabled care. Local authorities are encouraged to consider the **Technology Enabled Care in Housing Charter** published in March 2019.

- Armed Forces Communities

10.30   Local authorities should fully consider the housing requirement of the Armed Forces Community when preparing a LHS.   Given the scope and pivotal role of the LHS, it is therefore important that local authorities ensure that appropriate engagement takes place with relevant organisations such as Veterans Scotland to inform the development of each strategy.

- Key Workers

10.31   Where evidence suggests that there is requirement for action to provide suitable housing for key workers, the LHS should include a policy on this. The provision of housing for key workers can assist in the employment and retention of people vital to the delivery of and improving essential local services.

10.32   To help establish need and to understand the type/tenure and the most appropriate location for the housing (including use of public sector sites for affordable housing, if appropriate), local authority housing colleagues should

work closely with local employers across the public sector and possible more widely and with local employability leads in each local authority area to discuss the level of current and future local employment opportunities. Early negotiations are encouraged to take place, where appropriate, to secure suitable public sector sites for affordable housing that may include provision for local key workers.

10.33   Any affordable homes policies for allocating homes to key workers should be transparent and be sufficiently flexible to accommodate changing needs at different times as the nature of the essential service can cover a wide range of functions and salary bands, which can change over time.

Areas the Scottish Government would expect to see addressed in each LHS:

a) Information of the range of specialist provision (see para 10.10) in place (both accommodation and care and repair) across all tenures.

b) A summary of the local population's current specialist provision needs and identification of any gaps in this provision.

c) A summary of levels of need for specialist provision over the period of the LHS together with a plan for how this this will addressed.

d) A wheelchair accessibility target and how this has been developed by area, size, type, and tenure together with timescales for meeting the target.

e) Evidence that engagement has taken place to understand and consider any additional needs of ethnic minorities, that the local authority has considered the needs of ethnic minority families for homes suitable for larger/extended family groups, and that it has considered other specific cultural needs.

f) Evidence that housing officials and Community Justice Partnership are already collaborating or a statement including a timeline that they will collaborate in future to ensure that those who are leaving prison or a similar institution get the right housing support that they need.

g) Evidence that consideration has been given to the needs of Armed Forces Communities and that engagement has taken place with relevant organisations engagement takes place with relevant organisations such as Veterans Scotland to inform the development of the LHS.

h) Evidence that consideration has been given to the needs of key workers.

- Gypsy/Travellers

10.34   The Scottish Government is committed to improving outcomes for all Gypsy/Travellers in Scotland.

10.35   The term Gypsy/Traveller refers to a range of distinct groups, including Romanies, Scottish, Irish, English and Welsh Travellers, who regard the travelling lifestyle as part of their cultural and ethnic identity.

10.36   There is, however, no consensus on a generic description, and some members of the community take offence to the ethnic term "Gypsy" and self-define themselves as "Scottish Travellers".

10.37   In Scotland, Gypsy/Travellers are recognised as an ethnic minority and the 2011 census was the first to include an option for Gypsy/Travellers in the ethnicity category. In the census, 4,200 people identified themselves as "White: Gypsy/Travellers" but it is likely that some chose not to declare their ethnicity. Organisations that work with Gypsy/Travellers believe Scotland's community comprises 15,000 to 20,000 people.

10.38   In December 2017, the Scottish Government launched the **Race Equality Action Plan** which set out the key actions for the Scottish Government to drive positive change for minority ethnic communities. Following this, a Ministerial Working Group was established to drive forward cross-government actions to improve the lives of Scottish Gypsy/Traveller communities and this will include a focus on accommodation. The group will publish an action plan in 2019.

10.39   *Sites* - Many Gypsy/Travellers live on local authority/ RSL owned sites, while others live on private sites or in bricks and mortar housing. However, many Gypsy/Travellers still travel, particularly during the summer months, and therefore require access to suitable sites across their travel area. In some instances, Gypsy/Travellers use unauthorised encampments as temporary sites and local authorities should manage these encampments in line with **Guidance on Managing Unauthorised Camping** (which includes examples of good practice).

10.40   HNDAs will also evidence need for sites for Gypsy/Travellers and Travelling Showpeople. Development Plans and LHSs should address any need identified, taking into account their mobile lifestyles. In city regions, local authorities may wish to assess and address any cross-boundary considerations. If there is a need, LDPs should identify suitable sites for these communities. They should also consider whether policies are required for small privately-owned sites for Gypsy/Travellers, and for handling applications for permanent sites for Travelling Showpeople (see paragraphs 10.51 & 10.52 below).

10.41   The number and size of unauthorised encampments in an area should be taken into consideration when assessing the need for sites and/or pitches, although due to travel patterns, especially during the summer months, the

existence of unauthorised encampments will not necessarily indicate a need for additional year round sites/pitches.

10.42   Engaging directly with Gypsy/Travellers timeously on unauthorised encampments may help to better understand their needs, but due to travel patterns, engagement over a period of time may be the most effective way of building up a better understanding of local need.

10.43   The local authority should use evidence from the HNDA to ensure that the LHS demonstrates that the local authority has a good understanding of both existing and future need for sites and pitches both public and private provision, including any cross boundary or regional implications and it should ensure that appropriate actions are reflected in the Outcome Action Plan. A Gypsy/Travellers and the planning system: action plan includes a 10-point action plan to involve Gypsy/Travellers in planning is located **here**.

10.44   In terms of the way the information is provided, a previous LHS submitted by **East Lothian Council on Gypsy/Travellers and Showpeople (pages 87-90**), could be considered as a good practice.

- The information is presented in a way that assists the reader through an array of analysis and data, linking with the HNDA and appropriate links to other research and Scottish Government guidance;
- The information is summarised after each section with key issues and challenges set out as a list of actions;
- There is a link to outcomes and priorities – both at a local area level and national level.

10.45   The LHS should set out how any identified need will be addressed and whether the additional need is for year round provision or is of a more seasonal nature. This should include consideration of any requirement for permanent affordable housing and highlight what level of engagement has been undertaken with the Gypsy/Traveller community to determine any need for sites/pitches both public and private provision, and related services.

10.46   The LHS should show how new sites/pitches may be funded using options available to the local authority and local RSLs, such as site rental income and capital grant allocation.

10.47   Site Standards - Scottish Government **guidance on minimum sites standards and site tenants' core rights and responsibilities** sets out the minimum standards for public sites, covering things such as safety, maintenance, repairs, and facilities. The standards were developed in consultation with Gypsy/Travellers, local authorities, and other stakeholders to be as similar as possible to those experienced by social housing tenants under the Scottish Housing Quality Standard.

10.48   The site standards are now part of the Scottish Social Housing Charter, which are monitored by the Scottish Housing Regulator (SHR).   SHR contacted all site providers after the June 2018 deadline for meeting the

standards to request further information. SHR published a report detailing its findings in October 2018 and a copy is located **here**. SHR continues to engage with site providers to ensure compliance with the standards.

10.49   The LHS should provide information on site development, provision of facilities, and the maintenance and management of sites, to show that sites meet the standards or what is being done to ensure that sites will meet the standards and the timescales for doing so.

10.50   Evidence shows Gypsy/Travellers face specific barriers and inequalities in accessing services such as health, and education services. The LHS should include information on what support services are available, the gaps in provision and how this is being addressed in order to help reduce health inequalities, race inequality, child poverty and improve educational attainment.

Areas that the Scottish Government would expect to see addressed in each LHS:

a) An assessment of the current level of public and private site and pitch provision and the identification of any gaps in provision together with an assessment of future need and how this will be addressed, including through the use of new sites.

b) An assessment of whether currently available public sites/pitches meet the minimum standards for Gypsy/Traveller sites and if they do not, what action will be taken to ensure compliance and what are the timescales for achieving this?

c) Consideration of how existing sites will continue to meet the needs of the Gypsy/Traveller community in the longer term and whether any redevelopment or replacement of existing sites will be required in the future and if so, within what timescales.

d) Evidence of recent engagement with the Gypsy/Traveller community to better understand their needs.

- Travelling Showpeople

10.51   Historically, Travelling Showpeople moved around the country, usually between March and October, attending fairs and living in caravans on the fairgrounds, and in the winter months secured permanent bases for the storage of equipment and more particularly for residential purposes. Now, many Travelling Showpeople live on permanent sites, which allows their needs, such as access to health facilities and the education of their children, to be better met.

10.52   Local authorities should ensure that the need for sites is understood and addressed through the planning system. The sites have to be suitable for accommodation as well as providing space for storage and maintenance of equipment. This can mean that sites are often located in more industrial

settings, but this should not impact on the quality of accommodation or availability of the services they require.

Areas that the Scottish Government would expect to see addressed in each LHS:

a) Consideration of the need for new sites for Travelling Showpeople and if there is any need identified, how is this being addressed and within what timescales?

b) Evidence of recent engagement with the Travelling Showpeople community to better understand their needs.

11.   Fuel Poverty, Energy Efficiency & Climate Change

11.1   Housing has a vital role to play in meeting our ambitions for ending fuel poverty and tackling the effects of climate change. Addressing fuel poverty and climate change are key priorities for Scottish Ministers to help mitigate the impact of climate change on the environment and address economic and health inequalities.

11.2   In developing a LHS, local authorities should be fully aware of what the existing Fuel Poverty, Energy Efficiency and Climate Changes targets are and these should be reflected in LHS priorities and outcomes. The Scottish Government has proposed the introduction of Local Heat and Energy Efficiency Strategies (LHEES) and piloted LHEES with 23 local authorities to date. The overlap between proposals for LHEES and LHS have been highlighted in **Heat and Energy Efficiency Strategies: Second Consultation Analysis**. Local authorities should be aware that any change to LHS content (relating to development of proposals around LHEES) will be advised separately, at the appropriate time.

11.3   LHEES as proposed offers the link between Scottish Government targets and policies and the actual delivery of energy efficiency and heat decarbonisation, which will allow local authorities to prioritise and target programmes over a 20 year period, aligning cross sector activity and providing valuable information to the supply chain.

11.4   Local authorities have a significant part to play in ensuring that people are able to live in warm, dry, energy efficient, low carbon homes which they can afford to heat. The LHS guidance should be read in conjunction with the **Sustainable Housing: Fuel Poverty and Climate Change Advice Note** and local authorities should be aware that this advice note will be updated once all elements of the new definition as set out in the Fuel Poverty (Targets, Definition, and Strategy) Act 2019 are in force.

11.5   Some local authorities have been piloting different approaches for Local Heat & Energy Efficiency Strategies, which may influence its approach to accelerate the rate of energy efficiency improvement in the owner-occupied, social housing and private-rented sectors, as well as tackling fuel poverty.

- Fuel Poverty & Energy Efficiency

11.6   The Fuel Poverty **The Fuel Poverty (Targets, Definition, and Strategy) (Scotland) Act 2019** introduces a new statutory target for reducing fuel poverty that by 2040, as far as reasonably possible, no household, in any Local Authority area, in Scotland is in fuel poverty and, in any event, no more than 5% of households, in any Local Authority areas, in Scotland are in fuel poverty; no more than 1% of households in Scotland are in extreme fuel poverty; and the median fuel poverty gap of households in fuel poverty in Scotland is no more than £250 in 2015 prices before adding inflation.

11.7 The Act introduces a new definition of fuel poverty (summarised in paragraph 2.3 above) which will:

- Focus on low income households by introducing a new minimum income threshold which will be 90% of the UK Minimum Income Standard (MIS) after housing, fuel costs, benefits received for a care need or disability (if any) and the household's childcare costs are deducted (there will be an additional uplift for remote rural, remote small towns and one for islands); and
- Help to better target resources at those who are most in need of support, no matter where they live in Scotland; and
- Places a duty on Ministers to introduce a Fuel Poverty Strategy setting out how the target will be achieved.

11.8 Until all of the elements of the new definition are in effect, including the enhanced heating regime and the remote rural, remote small town, and island uplift and in place then existing arrangements should continue to be used.

11.9 The **Scottish Government's Energy Efficient Scotland Route Map** sets out the journey that homes, businesses and public buildings will take to become more energy efficient. It outlines the support available from the Scottish Government to help owners transform their properties and proposes minimum energy efficiency standards for the private and social rented sectors by 2030.

11.10 An updated Route Map is planned for publication in late 2019. This will be accompanied with a publication of a consultation on energy efficiency standards in owner occupied housing.

11.11 The **draft fuel poverty strategy** sets out the policy development of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill and the draft Fuel Poverty Strategy for Scotland 2018.

11.12 The LHS should set out by location, the scale and nature of fuel poverty in its area, as well as the type and number of households it considers to be the most vulnerable and how action to address the needs of these households is being prioritised. The LHS should set out the work that is being done locally to ensure, that across all tenures, "so far as reasonably practicable, persons do not live in fuel poverty."

11.13 The LHS should recognise the impact living in a cold home has on the health and wellbeing of individuals and set out the action that is being taken to address the scale of fuel poverty in the area and how improvement is being measured, including in respect of health inequalities.

- Climate Change

11.14 The **Climate Change (Scotland) Act 2009** created a statutory framework for reducing Scottish greenhouse gas emissions by at least 80% by 2050. In

order to achieve Scotland's climate change targets, concerted and co-ordinated action is required across the public and private sectors and at individual and community level.

11.15   As of August 2019, a new Climate Change Bill is currently going through the Scottish Parliament, with increased target ambition in response to the UN Paris Agreement. Following advice from the UK Committee on Climate Change in May 2019, the Scottish Government acted immediately with amendments to the Bill to set a net-zero greenhouse gas emissions target for 2045. This will ensure that Scotland's contribution to climate change will end, definitively, within a generation. The Scottish Government has committed to updating the current Climate Change Plan, which sets out policies and proposals to meet emissions reduction targets over the period to 2032, within six months of the Bill receiving Royal Assent.

11.16   The Climate Change Bill also includes the following targets:
   • 90% reduction in greenhouse gas emissions by 2040 (measured against 1990 levels);
   • 70% reduction in greenhouse gas emissions by 2030 (measured against 1990 levels).

11.17   Section 44 of the 2009 Act requires public bodies in exercising its functions, to act in a way that is most sustainable and:

   • Best calculated to contribute to the delivery of the Act's emission reduction targets;
   • Best calculated to deliver statutory adaptation programmes.

11.18   Section 46 of the 2009 Act requires public bodies classified as "major players" to publish annual climate change reports. The type of data required and format of reporting is described in more detail in secondary legislation (**The Climate Change (Duties of Public Bodies: Reporting Requirements) (Scotland) Order 2015),** which is currently under a review.

11.19   A household's greenhouse gas emissions are influenced by:

   • *Property Condition* - houses in disrepair are harder to keep warm and therefore use more energy.
   • *Energy Efficiency* - energy inefficient houses use more energy to heat than more efficient properties. Insulation of lofts/roofs, walls, floors, pipework, more efficient windows, draught proofing and better heating controls can all improve the efficiency of a property or the ability of a household to only use energy when it is needed. The age and maintenance of heating devices, such as gas boilers also affects their efficiency and emissions levels. The properties with the poorest energy efficiency ratings (EPC G & F) should be improved urgently.
   • *Fuel* - the type of fuel used in a property can affect its greenhouse gas emissions. Oil fuelled heating has higher emissions than gas, whilst low-carbon or renewable heat sources, e.g. heat pumps, biomass, solar thermal, have even lower carbon emissions. To achieve net zero

greenhouse gas emissions it is likely that fossil fuels will have a severely reduced role in space and water heating in future.

- *Individuals Behaviour* - the way people use and run their homes affects carbon emissions, e.g. inefficient use of a heating thermostat/programmer, using unnecessary lighting.

11.20   The **Heat Generation Policy Statement** published in 2015 set out the approach to deliver an affordable and effective heating and cooling framework to 2050. In light of the new targets in the Climate Change Bill, the Scottish Government has committed to publishing a draft Heat Decarbonisation Policy Statement, including actions by Summer 2020. Additionally a call for evidence on the future of low carbon heat for off gas buildings took place March – June 2019.

11.21   Adapting to climate change means making adjustments to economic, social and natural systems to help limit the harmful consequences of climate change and make the most of available opportunities. The **UK Climate Change Risk Assessment and Scottish Evidence Report** provides a regular assessment of the threats and opportunities facing Scotland and the UK and there is a statutory requirement to prepare an adaptation programme in response to the CCRA and to monitor progress.

11.22   The first **Scottish Government Climate Change Adaptation Programme** provided a solid foundation for further progress with awareness-raising, knowledge-sharing and pilot projects and helped to develop a distinctive Scottish place-based partnership approach.

11.23   The second Climate Change Adaptation Programme is currently being developed and contains a vision whereby we live in a Scotland where our built and natural places, supporting infrastructure, economy and society are climate ready, adaptable and resilient to climate change. It contains a set of seven high level "outcomes" for the Programme and is being designed to deliver a step change in collaboration**,** and emphasise the wider co-benefits of climate action. This is expected to be published in late 2019.

11.24   The LHS should demonstrate links between climate change and housing and fuel poverty policies.

Areas that the Scottish Government would expect to see addressed in each LHS:

a) Demonstrate that appropriate links have been made between fuel poverty, energy efficiency, achieving heat decarbonisation and climate change and other policy areas such as house condition (including Below Tolerable Standard).

b) A summary of any programmes or actions arising from any LHEES pilot project (and any Local Energy Plan) including an explanation around how these has influenced the development of climate change, energy efficiency, and/or fuel poverty policies.

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c) Demonstration of an understanding of how a changing climate may affect the housing stock and level of vulnerability of different groups. The identified threats and opportunities of climate change and what the local authority is doing to manage risks and respond to opportunities.

d) A summary demonstrating the local authority's understanding of national fuel poverty priorities and targets.

e) A description of fuel poverty locally with the:

- *Extent, location and nature of fuel poverty fully demonstrated;*
- *Causes of local fuel poverty explained, how these might differ from national trends and the action being taken to address the identified causes.*

f) A summary demonstrating the local authority has an understanding of technology options available to deliver in the local authority area to achieving national net zero greenhouse emissions targets.

g) An explanation around how available resources are being used effectively to tackle fuel poverty and accelerate the rate of energy efficiency improvements and uptake of low/zero carbon heat across all tenures, including increasing the number of householders and property owners that benefit from support from fuel poverty and energy efficiency/decarbonisation programmes.

h) Robust fuel poverty and greenhouse gas emissions outcomes with local targets and indicators to measure progress in support of the Scottish Government fuel poverty and climate change targets, including through local delivery of the Home Energy Efficiency Programme Scotland: Area Based Schemes (HEEPS: ABS).

12. House Condition

- Private Sector

12.1 In the **Housing (Scotland) Act 2006**, Section 10 introduced 3 statutory requirements for local authorities, and these should be summarised in the LHS.

12.2 *Below Tolerable Standard* (BTS) Strategy - to ensure compliance with Section 85(1) (duty to close, demolish or improve houses which do not meet the tolerable standard) of the Housing (Scotland) Act 1987 (c. 26).

12.3 The LHS should evidence the extent of BTS housing in the local authority area by providing details of numbers, location and type. The LHS should set out what mechanism(s) is in place to monitor BTS levels and what powers and actions the local authority uses to address BTS properties. The BTS strategy should be linked to strategies for assistance, landlord registration, homelessness, housing options, adaptations, and energy efficiency. Advisory Guidance on the Tolerable Standard for local authorities is located **here**. Additional guidance relating to the tolerable standard on satisfactory fire detection and satisfactory carbon monoxide detection is located **here**.

12.4 *Housing Renewal Area Policy* - for identifying parts of its area for designation under Section 1 of the Housing (Scotland) Act 2006 (asp 1). Advisory Guidance on Housing Renewal Areas and Repair, Improvement and Demolition for local authorities is located **here**.

12.5 A policy is required even if there is no intention to immediately declare a Housing Renewal Area, as the policy should be ready to support housing improvement as and when required, including the criteria against which an area would be identified.

12.6 The LHS should explain what process is in place for identifying Housing Renewal Areas and what powers and actions the local authority plans to use to address them.

12.7 *Scheme of Assistance Strategy* (SoA) - for improving the condition of houses by providing or arranging for the provision of assistance under Part 2 of the Housing (Scotland) Act 2006 (asp 1).

12.8 The LHS should set out how the scheme will be used to address substandard private housing, implementing the BTS strategy as appropriate. Local authorities should note the interaction between work to improve energy efficiency and house condition (see Chapter 11 of this Guidance) in private housing.

> *Areas that the Scottish Government would expect to see addressed in each LHS:*
>
> *a) Evidence that the local authority has a BTS Strategy is in place together with a summary of the level of BTS in the area, how the local authority is currently addressing BTS properties and what future action it plans to take.*
>
> *b) Evidence that the local authority has a HRA Policy in place together with a summary of how HRAs will be identified and what powers and actions will be used.*
>
> *c) Evidence that the local authority has a SoA Strategy in place and a summary explaining how it will be used to improve standards.*

- Social Rented Sector

12.9   The Scottish Housing Quality Standard (SHQS) requires all social landlords to achieve a minimum level of housing quality, including energy efficiency. The SHQS is funded through social landlord investment plans, including prudential borrowing by local authorities. Even if the local authority is not directly responsible for the provision of social housing, it is responsible for ensuring that social housing meets the tolerable standard as set out in paragraph 12.2 above.

12.10   The SHQS target is set out in the **Scottish Social Housing Charter** and progress towards meeting this target is monitored by the independent Scottish Housing Regulator.

12.11   The LHS should detail any housing stock that does not meet the SHQS and the proposals for bringing it up to standard. Any housing where the standard cannot be met should be highlighted as either exempt stock or that action is currently in abeyance and how this is being kept under review.

12.12   The Energy Efficiency Standard for Social Housing (EESSH) sets out the minimum energy efficiency ratings that landlords are expected to meet across their housing stock. The first EESSH milestone is that all social housing meets a minimum energy efficiency rating, by house type and fuel, by the end of December 2020. The second EESSH milestone is that all social housing meets or can be treated as meeting, EPC Band B, or is as energy efficient as practically possible, within the limits of cost, technology and necessary consent, by the end of December 2032. Additionally, no social housing should be re-let below EPC Band D from December 2025, subject to temporary exemptions.

12.13   The EESSH does not prescribe measures to take as ratings vary depending on the accommodation and fuel type. It is for individual social landlords to identify the most cost effective measures for their stock, and to determine what level of investment is sustainable, to ensure that the standard is achieved. Further information is available **here**.

12.14   The LHS should set out the level of housing in the local authority area that does not meet EESSH, what progress is being made and what more is to be done in order to is meet the milestones. Indicators for performance against the new EESSH milestone will be developed by the independent Scottish Housing Regulator.

Areas that the Scottish Government would expect to see addressed in each LHS:

a) A summary explaining how non-exempt stock, which has not achieved SHQS and an explanation around how this will be brought up to standard together with information this will be funded.

b) A summary explaining how exemptions will be tackled and abeyance properties are kept under review as technology develops and tenants/owners change together with information on how this will be funded.

c) Information on what level of housing is not meeting EESSH, what progress is being made towards achieving the milestone.

13.   Housing, Health & Social Care Integration

13.1   Housing has an important influence on health inequalities in Scotland and can contribute to the achievement of many of the **National Health and Wellbeing Outcomes**. Health and social care integration, community planning, and community empowerment provide an opportunity for stronger connection between public health and housing. The homes people live in are an important aspect of how they experience place and community, and everyone should have access to an affordable, safe and warm home. In developing a LHS, the Scottish Government encourages local authorities to recognise the contribution that good quality housing, place-making and effective housing related services has on that health improvement, wellbeing, and the reduction of health inequalities.

13.2   The Scottish Government has worked with partners to agree a set of jointly agreed and owned **Public Health Priorities for Scotland** to focus the whole system on the things which will have the greatest potential to improve healthy life expectancy, reduce inequalities and support sustainable economic growth over the next 10 years. Priority 1 is a Scotland where we live in vibrant, healthy and safe places and communities. This Priority recognises that the places we live, work and play, the connections we have with others and the extent to which we feel able to influence the decisions that affect us – all have a significant impact on our health and wellbeing. The immediate physical environment, the social networks we belong to, the local economy, our workplace and the accessibility of services are all important, Local Authorities are encouraged to consider the Public Health Priorities in the development of their LHS. As outlined in paragraph 5.9, while local authority housing colleagues will engage with existing groups such as the Integration Authorities, they should consider developing or strengthening contact with the local Public Health Teams when developing a LHS.

13.3   Given the impact that housing has on people's health and wellbeing, the Scottish Public Health Network (ScotPHN) hosted by NHS Health Scotland has published a report **Foundations for well-being: Reconnecting Public Health and Housing**. This report recommends a number of key practice points for both public health and housing practitioners to take to reduce health inequalities. Local authorities are encouraged to consider the key practice points for both public health and housing practitioners around reducing health inequalities.

13.4   NHS Scotland has produced a **Housing Strategies Briefing Paper** that aims to highlight opportunities for public health to maximise its contribution to improving health and reducing inequality through housing.

13.5   Further information on the role that good-quality housing can play in improving health and wellbeing and reducing health inequalities is located **here**.

- Person-Centred, Seamless & Co-ordinated Support & Services

13.6   All action required to provide good quality specialist provision (as outlined in Section 10 'Specialist Provision') should be developed and maintained through collaboration with the relevant Integration Authority.

13.7   Certain functions undertaken by Local Authority Housing Services may have been delegated to Integration Authorities e.g. adaptations or homelessness services. This recognises the vital role played by housing in a whole systems approach to improving people's health and wellbeing.

13.8   A **Housing Advice Note** for Integration Authorities, Health Boards and Local Authorities focusses on housing services as an integral part of person-centred approaches and the wider delivery of health and social care integration. It applies especially to the preparation of Integration Authorities' Strategic Commissioning Plans that must include a Housing Contribution Statement. The Advice Note covers key aspects of joint working arrangements that are required at local level between Integration Authorities and the housing sector and local authorities are encouraged to consider in developing their LHS.

13.9   The LHS should include information on how the local authority's housing services will work with the Integration Authority to deliver the outcomes in its Strategic Commissioning Plan that will have been informed by a Joint Strategic Needs Assessment.

- Housing Contribution Statement

13.10   Each Integration Authority should have in place a Housing Contribution Statement (HCS) as this is an integral part of the Strategic Commissioning Plan (SCP) and sets out how the integrated authority intends to work with housing services, whether delegated or not, to deliver its outcomes. The HCS should be developed by the Integration Authority in collaboration with the local authority's housing and social work departments. It will set out the role and contribution of the local housing sector in meeting the outcomes and priorities identified within the Strategic Commissioning Plan. Guidance for drafting a HCS is available in the Housing Advice Note. The HCS should be seen as a bridge between the LHS and the SCP.

13.11   The LHS should include a summary of the shared outcomes and priorities contained within the HCS, with a web link to the document itself.

13.12   The LHS should clarify what support services have been delegated to the Integration Authority to deliver and which are the responsibility of the local authority.

> ***Areas that the Scottish Government would expect to see addressed in each LHS:***
>
> *a) A short summary around how the local authority's housing services are currently collaborating and will collaborate in future with the Integration Authority to deliver the outcomes in its Strategic Commissioning Plan together with a summary of the shared outcomes and priorities from the Housing Contribution Statement.*
>
> *b) A short summary on which support services have been delegated to the Integration Authority to deliver and which are the responsibility of the local authority.*

ANNEX A – STATUTORY REQUIREMENTS AND SCOTTISH GOVERNMENT PRIORITIES, PLANS & TARGETS

Statutory Requirements

Section 89 of the Housing Scotland Act 2001 places a statutory duty on every local authority authorities to prepare and submit a Local Housing Strategy to Scottish Ministers. It requires every local authority to assess the nature and condition of the housing stock, the needs of persons in the area for housing accommodation, the demand for, and availability of, housing accommodation. Section 106 requires local authorities to exercise the functions in a manner that encourages equal opportunities and in particular the observance of the equal opportunity requirements.

Section 95 of the Housing Scotland Act 2001 provides a definition of fuel poverty, which is refined by the **Fuel Poverty Statement**. A new definition, as set out in the Fuel Poverty (Target, Definition and Strategy) (Scotland) Act 2019, will:

Focus on low income households by introducing a new income threshold which will be 90% of the UK MIS after housing, fuel costs, benefits received for a care need or disability (if any) and the household's childcare costs are deducted; and help us to better target our resources at those who are most in need of support, no matter where they live in Scotland.

Section 1 of the 2001 Act places a statutory duty on each local authority to carry out an assessment of homelessness in its area and to prepare and submit to Ministers, a strategy (as part of the LHS) for the prevention and alleviation of homelessness.

Equality Act 2010 – includes a statutory public sector equality duty (Section 149) to:
- Eliminate discrimination, harassment and victimisation;
- Advance equality of opportunity;
- Foster good relations between people who share a protected characteristic and those who do not.

The statutory duty requires consideration of the protected characteristics:
- Age;
- Disability;
- Sex;
- Pregnancy and Maternity;
- Gender reassignment;
- Sexual orientation;
- Race;
- Religion and Belief; and
- Marriage and Civil Partnership (with regard to eliminating unlawful discrimination in employment).

The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 as amended place obligations on listed authorities, including local authorities, to assess and review policies and practices.

Community Empowerment (Scotland) Act 2015 places a statutory requirement on Community Planning Partnerships to prioritise outcomes for localities and embeds the principle of working with communities to ensure development and regeneration activity meets the needs of the community and maintains community networks.

Housing (Scotland) Act 2006 places a statutory duty on each local authority to have in place a Below Tolerable Standard Strategy, Housing Renewal Area Policy, and Scheme of Assistance Strategy.

Climate Change (Scotland) Act 2009 creates a statutory framework for reducing greenhouse gas emissions by 42% by 2020 and at least 80% by 2050. A statutory duty for public bodies to act a) in the way best calculated to contribute to the delivery of the Act's emission reduction targets; b) in the way best calculated to help deliver any programme laid before the Scottish Parliament; and c) in a way that is most sustainable.

Child Poverty (Scotland) Act 2017 contains a series of targets for the reduction of child poverty in Scotland by 2030. The Act places a duty on local authorities and health boards to jointly prepare and publish an annual Local Child Poverty Action Report, setting out what they have done to contribute to reducing child poverty and what they plan to do in future.

The Island (Scotland) Act 2018 includes a duty to consult island communities before making a change to policy that is likely to have an effect on island communities, which is significantly different from its effect on other communities.

Environmental Assessment (Scotland) Act 2005 places a statutory obligation of considering and if necessary undertaking a Strategic Environmental Assessment (SEA) of all public plans, programmes and strategies.

Planning (Scotland) Act 2019 strengthens the planning system's contribution to inclusive growth and empowering communities. It removes the requirement to provide Strategic Development plans and restructures the process for Local Development Plans, including taking account of community planning, a requirement to produce an evidence report that is independently scrutinised at an early stage, consultation and participation requirements, and list of issues to be considered. It introduces powers for communities to prepare Local Place Plans, which the planning authority must take into account in their Local Development Plan.

Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 sets a new target for fuel poverty and introduces a new definition of fuel poverty. Local Authorities should be aware that until all of the elements of the new definition are in effect, including the enhanced heating regime and the remote rural, remote small town, and island uplift and in place then existing arrangements should continue to be used. Local authorities should be aware that following Stage 3 of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill, the Scottish Government launched a consultation seeking views on which households should have an enhanced heating regime applied when calculating levels of fuel poverty.

Scottish Government Priorities, Plans & Targets

Housing and Regeneration Outcomes Framework - sets out the vision and outcomes for housing and regeneration and how it nationally enables the Scottish Government and external partners to adopt a shared understanding of what needs to be achieved for people, homes and communities across Scotland.

Affordable Housing Supply Programme - the Scottish Government aims to deliver at least 50,000 affordable homes by 2021 backed by more than £3.3 billion. This target represents a 67% increase in affordable housing supply, and 35,000 of the 50,000 target will be for social rent.

Ending Homelessness and Rough Sleeping: Action Plan - the Plan sets the direction for real and lasting change towards ending homelessness. It will be led and overseen by the Homelessness Prevention and Strategy Group, which is co-chaired by political leadership from both the Scottish Government and COSLA.

Race Equality Framework & Action Plan (2016 to 2030) - promotes race equality and the tackling of racism and inequality and in particular asks that local authorities consider the need of ethnic minority families for homes suitable for larger/extended family groups.

Energy Efficiency Standard for Social Housing (EESSH) - Scottish Social Housing Charter sets out the minimum energy efficiency ratings that landlords will be expected to meet across their housing stock.

Climate Change Plan: third report on proposals and policies 2018-2032 - sets out the path to a low carbon economy while helping to deliver sustainable economic growth and secure the wider benefits to a greener, fairer and healthier Scotland in 2032.

More Homes Division Guidance Note 2019/02 - Wheelchair accessible housing target - contains guidance for local authorities on the setting of LHS targets to support the delivery of more Wheelchair Accessible housing.

Fairer Scotland Action Plan - sets out the Scottish Government's overall strategy for tackling poverty and inequality in Scotland.

The Fairer Scotland Duty - places a legal responsibility on the public sector to actively consider how they can reduce inequalities of outcome caused by socioeconomic disadvantage, when making strategic decisions.

Getting It Right for Every Child (GIRFEC) - all aspects of the housing system, from planning and building to nominations and allocations should be placed at the heart of decision making.

Every Child, Every Chance – The Tackling Child Poverty Delivery Plan - sets out new policies and proposals to help make strong progress towards targets set out in the Child Poverty (Scotland) Act 2017.

Public Health Reform - a partnership between Scottish Government and COSLA which seeks to tackle a range of health inequalities. It aims to challenge current ways of working, put more decisions directly in the hands of citizens and provide support to local communities to develop their own approaches and solutions to local population health challenges.

National Health and Wellbeing Outcomes - apply across all integrated health and social care services, ensuring that Health Boards, Local Authorities and Integration Authorities are clear about their shared priorities by bringing together responsibility and accountability for their delivery. A **Housing Advice Note** for Integration Authorities, Health Boards and Local Authorities on their responsibilities to involve housing services in the Integration of Health and Social Care has been prepared.

Equally Safe strategy & **Equally Safe Delivery Plan** - coordinates efforts to tackle violence against women and girls, promotes gender equality and seeks to improve the local housing response to domestic abuse.

Age, Home and Community: A Strategy for Housing for Scotland's Older People: 2012 – 2021 - contains a vision for housing and housing-related support for older people, the outcomes the government would like to achieve and a framework of actions.

Scottish Strategy for Autism Outcomes and Priorities 2018-2021 - highlights that housing has a major role to play in delivering positive outcomes for autistic people.

A Place to Stay, A Place to Call Home: a Strategy for the Private Rented Sector in Scotland - set out a vision for "a private rented sector that provides good quality homes and high management standards, inspires consumer confidence, and encourages growth through attracting increased investment".

Achieving a Sustainable Future: Regeneration Strategy - responds to the challenges faced by the most disadvantaged communities to help create a Scotland where all places are sustainable, and where people want to live, work and invest. It sets out plans for delivering this vision in partnership with stakeholders.

Scottish Government Routemap - for an Energy Efficient Scotland sets out the journey our homes, businesses and public buildings will take to become more energy efficient. It will also guide the decisions that the Scottish Government will be making, with its partners, over the next 20 years.

Scottish Government Sustainable Housing Strategy - sets out the vision for warm, high quality, affordable, low carbon homes.

ANNEX B - LOCAL AUTHORITY OUTCOMES ACTION PLAN

LHS Outcome:						
Where the LHS Outcome supports National Priorities, Plans & Targets & links to Local Outcome Improvement Plan/Locality Plans and Local Authority Plan Outcome, please list these here:						
Action(s) and Commitments for Delivery of Outcome	**Baseline**	**Indicator or Measure**	**Milestone**	**Target/ End Point**	**Who/Co-ordinator**	**Progress**

ANNEX C - LOCAL HOUSING STRATEGY - REVIEW PROCESS

Each Local Housing Strategy (LHS) is subject to a robust review process involving Scottish Government officials and local authority peer reviewers. The review process helps to ensure alignment of the LHS with Scottish Government priorities, outcomes and targets and facilitates improvement and/or change through collaborative working between Scottish Government and local authorities. The review process drives a level of consistency in the review of the LHS, ensures that there is robust feedback to local authorities, and helps identify areas of best practice that can be shared with local authorities. Local Authorities are strongly encouraged to submit its LHS for review at the consultative draft stage.

Ongoing discussions between local authorities (LA) and More Homes Division (MHD) on interpretation of LHS guidance, policy support and to identify timescales for submission of draft LHS. LA submits LHS for review to SG at consultative draft stage.

Peer reviewer is identified prior to LA submitting draft LHS to MHD Area Team

MHD Area Team issues acknowledgement letter/email to LA and sends a copy of the draft LHS to the peer reviewer.

MHD Area Team co-ordinates views from policy areas on draft LHS and discusses timescales with LA and Peer Reviewer.
Peer reviewer commences review of the draft LHS.

MHD Area Team considers views of peer reviewer and agrees outcomes of review.
Areas of good practice identified at this stage.

MHD Area Team prepares and issues a feedback letter to LA together with an offer to discuss/meet

Local Authority considers feedback provided by the Scottish Government and progresses work to prepare final version of the LHS

LA informs MHD Area Team of date of publication of final version LHS (and associated impact assessments) on LA website

LA monitors and reviews delivery of outcomes/actions in LHS
Areas of good practice identified in the review process with LAs

Any enquiries regarding this publication should be sent to us at
The Scottish Government
St Andrew's House
Edinburgh
EH1 3DG

Guidance for Local Authorities on Managing Unauthorised Camping by Gypsy/Travellers in Scotland

April 2017

Scottish Government
Riaghaltas na h-Alba
gov.scot

GUIDANCE FOR LOCAL AUTHORITIES ON MANAGING UNAUTHORISED CAMPING BY GYPSY/TRAVELLERS IN SCOTLAND

CONTENTS

CHAPTER 1:
INTRODUCTION

Introduction

1. The Scottish Government published guidance on managing unauthorised camping by Gypsy/Travellers in 2004. It was reviewed twice, and in 2014 the Government committed to a further review, resulting in this new edition.

2. In preparing this new edition there has been considerable engagement with stakeholders and Gypsy/Travellers across Scotland using a variety of means, including visits, meetings with relevant stakeholders and communities of interest, and discussions with local authorities and others. The guidance that follows reflects what we heard from our discussions with stakeholders, and the good practice that is currently being delivered around Scotland.

3. We expect local authorities to reassess their current approach to unauthorised sites in light of this guidance. We appreciate that some local authorities may only need to make minor changes to the approach they currently adopt, while others may wish to undertake a more full-scale review of how they respond to unauthorised sites. While this guidance is focussed on unauthorised sites by Gypsy/Travellers we recommend that local authorities put in place similar procedures to be followed for unauthorised camping by people who are not Gypsy/Travellers.

Purpose

4. This guidance has been prepared to assist local authorities in Scotland to develop effective policies and strategies for responding to unauthorised sites. In managing unauthorised sites, the Scottish Government believes some basic principles should be followed:

- local authorities should seek to manage unauthorised sites to minimise disruption for all concerned and ensure that any

anti-social behaviour is tackled firmly, regardless of who the perpetrators are.

- the same standards of behaviour should be expected from all members of the community, whether Gypsy/Travellers or the settled community, based on mutual respect and with regard to the rights and responsibilities of all those concerned.

5. As traditional Gypsy/Traveller routes are changing local authorities that currently have few unauthorised sites may find that using the good practice in this guidance will help them plan in advance for future developments.

6. This guidance is not intended to cover situations where a site has been established by Gypsy/Travellers as a permanent home without planning permission (with, for example, construction of concrete pitches, brick walls, provision of utilities, etc.). This guidance does not address issues regarding non-compliance with planning requirements.

Terms

7. The Scottish Government uses the term "Gypsy/Traveller" for people in the Travelling communities, and that term is therefore used throughout this guidance.

8. This guidance uses the term "unauthorised site" to describe a site which has been established by Gypsy/Travellers without planning permission. Such sites will normally be in place for a number of days, but can sometimes be in place for longer.

9. Those outwith the Gypsy/Traveller community are referred to as the 'settled community' in this guidance. However it should be noted that some Gypsy/Travellers live permanently in one place (for example on a private site).

3

CHAPTER 2 :
CONTEXT

Gypsy/Traveller Communities

10. Gypsy/Traveller communities have a long and proud history and have made, and continue to make, a significant contribution to Scotland. Unfortunately Gypsy/Travellers also face many challenges and barriers to accessing services, and participating in society, in ways that most people take for granted. The Scottish Government recognises that Gypsy/Traveller communities are among the most disenfranchised and discriminated against in Scotland.

11. In the 2011 census 4,200 people recorded their ethnic group as 'White: Gypsy/Traveller'. The highest number of Gypsy/Travellers was recorded in Perth and Kinross (400 people; 0.3% of the total population of that area), followed by Glasgow, Edinburgh and Fife. 40% of those who recorded their ethnicity as 'White: Gypsy/Traveller' in the 2011 Census were aged under 25 years, compared to 29% of the whole population. It should be noted that bodies such as the Equality and Human Rights Commission believe that the census figures undercount the number of Gypsy/Travellers in Scotland, and the actual figures are higher.

12. Many Gypsy/Travellers will have a location (such as a private site) they live for much of the year. Gypsy/Travellers will generally travel from this location for part of each year, as an expression of their culture and to visit family, friends, or for work.

Types of Unauthorised Sites

13. It is important to understand that Gypsy/Travellers are not a single group but a diverse set of travelling communities with differing identities, cultures, histories, lifestyles and languages. Gypsy/Travellers also have a variety of reasons for travelling and camping. It therefore follows that approaches taken by local authorities, in order to be effective, will depend on the type of camp they are engaging with.

14. Discussions with local authorities and other stakeholders have highlighted that there are two distinct types of unauthorised site:

- small family groups with around three to five caravans, primarily focussed on visiting family and friends, attending cultural or family events, and sometimes undertaking work;

- larger working parties with many caravans, and industrial equipment, primarily focussed on carrying out business in the locality (e.g. gardening, minor building work, etc.)

15. The second type of unauthorised site has become more frequent since the guidance was first issued in 2004.

Equality Duties

16. Under the Equality Act 2010 (the Equality Act) it is unlawful to discriminate against people because of protected characteristics such as age, race, religion or belief, disability, sex, marriage, civil partnership, gender reassignment, or sexual orientation. The Act also imposes a duty on listed public authorities, including local authorities, to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations.

17. The Equality Act makes it unlawful to discriminate against someone because they have a 'protected characteristic'. Race is one of the protected characteristics under the Equality Act. Race discrimination occurs when people are treated unfairly because of one or more of the following:

- colour;
- nationality;
- ethnic origin;
- national origin.

18. It is important to note that Gypsy/Travellers are recognised as an ethnic group under the definition of 'race' in the Act.

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Gypsy/Travellers continue to be protected against discrimination based on race if they have moved into settled accommodation. It is of course also unlawful to discriminate against Gypsy/Travellers because of any other protected characteristic.

19. The Equality Act also established the public sector equality duty, which applies to all functions of a listed public authority, and covers local authorities. Scottish Ministers have made regulations which set a framework to enable Scottish public authorities to deliver the public sector equality duty more effectively. This framework includes a duty to undertake an equality impact assessment of new or revised policies or practices. (For more information on the Equality Act 2010 please refer to Annex C below).

20. Gypsy/Travellers have the same rights as other minority ethnic groups. This means that it is unlawful to discriminate against Gypsy/Travellers on the basis of their ethnic origin. It does not mean that unacceptable behaviour by a Gypsy/Traveller on an unauthorised site cannot be tackled, in the same way as it would be for anyone else.

Human Rights Framework

21. The Human Rights Act (HRA), together with the Scotland Act, protect the rights that are contained in the European Convention on Human Rights in Scotland's own laws. The HRA means that people can raise human rights issues in Scottish courts. Section 6 of the Act makes it unlawful for public bodies to act incompatibly with the rights contained in the European Convention on Human Rights. It also places a duty on public bodies to comply with human rights in everything they do.

22. Under the Scotland Act 1998, the Scottish Government and Parliament must also observe and implement all of the UK's international human rights obligations, for example, the International Covenant on Economic, Social and Cultural Rights

(ICESCR), which includes the right to adequate and culturally appropriate housing.

Prosecution for Trespass

23. In Scotland the Crown Office and Procurator Fiscal Service (COPFS) is responsible for the prosecution of criminal offences. The Scottish Government does not set prosecution policy. Current guidance in place for prosecutors from COPFS outlines that there is a presumption against prosecuting Gypsy/Travellers for trespass as defined in section 3 of the Trespass (Scotland) Act 1865, where the sole issue in relation to an unauthorised site is unlawful encampment by Gypsy/Travellers.

24. The guidance for prosecutors also outlines that this presumption may be over-ridden by public interest considerations, depending on the circumstances. Circumstances that may give rise to a prosecution being commenced include:

- where a suitable alternative site has been identified and the Gypsy/Travellers have refused to relocate within a reasonable time (taking local circumstances into account).

- where the use or size of a particular site causes a road safety or public health hazard.

- where the same Gypsy/Travellers have been repeatedly moved from the same site only to return.

25. It is important to note that the presumption against prosecution does not apply to any other criminal offences that may be committed on or around unauthorised sites. If a crime is reported to the police, it will be investigated and if there is sufficient evidence a report will be submitted where appropriate to COPFS for consideration.

Targets for number of Sites and Pitches

26. The Scottish Government no longer sets targets for the number of sites or pitches a local authority should provide. That policy was brought to an end following the

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recommendations in the final report of the Advisory Committee on Scotland's Travelling People, published in 2000. It has been superseded by the requirements of the Housing (Scotland) Act 2001. This creates a legal requirement for a local authority to prepare a Local Housing Strategy supported by an assessment of accommodation needs in their area, including those of Gypsy/Travellers. The Local Housing Strategy must be submitted to Scottish Government Ministers.

Planning

27. Based on evidence from a housing need and demand assessment (HNDA), the planning authority for an area is required, where need is identified, to plan for the current and future needs of the Gypsy/Traveller community, and involve the community in planning and decision-making which affects them.

Christie Commission

28. The Commission on the Future Delivery of Public Series (commonly referred to as the 'Christie Commission') examined how Scotland's public services could be delivered to secure improved outcomes for communities across the country, in the face of substantial financial challenges.

29. The Christie Commission highlighted the need to ensure that in the current climate of fiscal restraint vulnerable groups and individuals are not left behind. This guidance takes account of the principles set out by the Christie Commission, encouraging different public bodies to work together and to consider approaches that focus on preventative spend by providing facilities at unauthorised sites (e.g. for recycling and waste disposal).

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CHAPTER 3:
GENERAL APPROACH TO
UNAUTHORISED SITES

30. The Scottish Government recognises the right of Gypsy/Travellers to practise a nomadic lifestyle, including travelling and camping across Scotland. However, we also appreciate that local authorities have to balance this right with the needs of the settled community in their area.

31. While the large majority of unauthorised sites do not cause any difficulties, some sites can give rise to friction, for example if they are in inappropriate locations, those living on a site are not behaving in a responsible manner, or because of tension with local settled communities. This section sets out the general approach the Scottish Government considers is appropriate for a local authority in managing unauthorised sites.

Unsuitable locations

32. There are some locations where an unauthorised site will not be acceptable under any circumstances (because of traffic hazards, environmental damage, etc.). These locations should be identified by the local authority for its area, and communicated to everyone involved. These locations could include:

- a site of scientific or environmental interest;

- parks, public open spaces in regular use, sports and recreation grounds;

- a site where pollution could damage water courses/water supply;

- an area with toxic waste, serious ground pollution or other environmental hazard;

- on a public road;

- on the verge of a road (from a road safety perspective), including lay-bys;

- in proximity to a railway line where there may be a danger to individuals.

The above list is not exhaustive. We recommend that local authorities, in developing their own strategies for handling sites, identify those locations in their local authority area which are unsuitable for an unauthorised site.

Behaviour on a site

33. There are some behaviours that the Government expects those living on an unauthorised site to demonstrate. These include:

- looking after the land the site is on;

- showing respect to nearby residents;

- keeping animals under control at all times. This includes acting to minimise the noise from dog barking;

- disposing of litter and other rubbish in an appropriate manner (e.g. no fly-tipping);

- getting rid of animal and human waste hygienically;

- not starting fires without prior written permission from the local authority or landowner;

- minimising the noise from generators to prevent nuisance;

- keeping groups small, and the number of caravans appropriate to the location.

34. Some local authorities have developed a code of conduct (or a good neighbour code) for unauthorised camping that details the standard of behaviour expected of Gypsy/Travellers during their stay. It can also provide information that may be useful to Gypsy/Travellers while they are camping in an unfamiliar area, such as council contact numbers. Annex D includes the Code of Conduct used in East Ayrshire, as an example of good practice.

Behaviour around a site

35. While there are standards of behaviour expected of those living on unauthorised sites, there are also clear expectations for the behaviour from members of the settled

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community around sites. Any incidents of anti-social behaviour directed at Gypsy/Travellers living on unauthorised sites should be reported to the police.

36. Hate crime is any criminal offence committed against an individual or property that is motivated by a person's hatred of someone because of his or her actual or perceived race, religion, transgender identity, sexual orientation or disability, and this includes a crime directed at someone because they are a Gypsy/Traveller. A hate crime can be reported directly to the Police, or through a network of third party reporting centres[1].

37. In its management of unauthorised sites the local authority should be clear with the local settled community that anti-social behaviour directed at those on an unauthorised site will not be tolerated. Gypsy/Travellers living on unauthorised sites can be the victims of crime, and we expect that any crimes committed against those living on an unauthorised site are investigated and handled by the police in line with their normal procedures.

Welfare needs

38. The Gypsy/Traveller community experiences poor outcomes in relation to health, education, and in other areas. Several agencies will potentially have an interest in the wellbeing of Gypsy/Travellers on an unauthorised site, including those dealing with housing, education, health, and social work. Local authorities should have arrangements in place to ensure that all the relevant services within the authority work effectively together, and are clear on their respective roles, in relation to meeting the needs of Gypsy/Travellers living on an unauthorised site. Local authorities should also have in place arrangements with relevant external bodies (such as the NHS) as necessary to ensure the welfare needs of

those living on an unauthorised site are being met.

Communication

39. It is important when responding to an unauthorised site that a local authority ensures there is regular, clear, communication with Gypsy/Travellers living on the site, the local settled community, and relevant elected representatives. It is often best if that is carried out by a specific officer with the relevant experience and knowledge, generally the local authority's Gypsy/Traveller Liaison Officer. It is worth noting that literacy levels vary in Gypsy/Traveller communities, so verbal communication will be an important part of any communication plan.

40. In 2015 Planning Aid for Scotland (PAS) was funded by Scottish Government to increase awareness and knowledge of the Scottish planning system and engagement between Gypsy/Travellers, planning professionals, elected members and community councillors. This has resulted in the publication of five guides on Gypsy/Travellers and the Scottish planning system, which can provide useful information on Gypsy/Traveller culture for elected members, community councillors, and others. The guides are available online at: http://www.pas.org.uk/news/recognition-of-unique-gypsytraveller-culture/. These guides were produced independently of the Scottish Government, and represent the views of PAS.

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[1] Available online at: http://www.scotland.police.uk/contact-us/hate-crime-and-third-party-reporting/.

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CHAPTER 4:
LOCAL AUTHORITY HANDLING OF AN UNAUTHORISED SITE

41. Unauthorised camping is more frequent in some areas than in others, but all local authorities should be prepared to manage such sites if they occur in their area. Each local authority will already have in place its own procedures and policies for handling unauthorised sites. However we have set out in this chapter a suggested process for responding to an unauthorised site, which can be used as a template, or as a point of reference to assist local authorities with considering their own practice.

42. All procedures for responding to unauthorised sites will need to reflect local circumstances, and the way each authority finds works best in their own situation. The Scottish Government appreciate that local authorities have to address and balance the needs of all members of the community, whether from the Gypsy/Traveller or settled communities.

43. As noted above there are two broad types of site: smaller family groups, and larger working parties. We recommend that local authorities consider in advance how they will respond and manage these two different types of sites. This may involve having similar, but different, procedures for each type of site.

44. This chapter also covers some of the other issues that relate to unauthorised sites, such as large gatherings, waste disposal, and regional co-ordination.

Initial site visit

45. We recommend local authority officials endeavour to visit an unauthorised site within two working days of becoming aware of it. In most local authority areas there is a designated Gypsy Traveller Liaison Officer (GTLO) and we suggest it is the GTLO who makes first contact for the local authority with the Gypsy/Travellers on an unauthorised site. Whichever official makes the initial site visit it

is important that they have the appropriate experience, training, and skills to carry out such a visit effectively.

46. The main aim of the first visit will be to establish a working relationship with the group with a view to successfully managing the unauthorised site, and to gather information about the site's location, the nature and size of the Gypsy/Traveller group, and their needs and future intentions. If the local authority has a code of conduct for those living on an unauthorised site this can also be highlighted and discussed as part of the initial visit. We suggest it would be useful for a local authority to gather relevant information including:

- the number of caravans and other vehicles;

- reason for stay;

- any health, education or welfare requirements;

- the condition of the site;

- plans that those on the site have for their future movement, including how long they plan to stay on the site.

We also suggest that those living on the site are given the details for a single named point of contact in the local authority, who they can approach with any queries.

Decision on response to unauthorised site

47. Once a first visit has been carried out, and information collected, a local authority can make an initial decision on how to manage the site.

48. Decisions taken about managing an unauthorised site must take account of various factors. Evidence of any nuisance or damage being caused by the unauthorised site should be weighed against the needs of the Gypsy/Travellers on the site, particularly any health and welfare needs that have been identified. All decisions should be based on the evidence available and in light of the specific circumstances of each site.

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49. If a local authority decides to manage an unauthorised site for a period of time that decision should be kept under review. Regular visits should be made to ensure the welfare needs of the families are being met, and to assess whether those on the site are behaving in line with the guidelines in paragraphs 32, 33, and 68 of this guidance. If the local authority has a code of conduct for those living on unauthorised sites it should make the Gypsy/Travellers aware of the code, and its requirements. Many of the unauthorised sites managed using this approach will move on voluntarily at an agreed date, with minimal disruption for all concerned.

50. If the local authority decides to manage the site it should consider providing bags and bins for recycling and disposal of waste, and assess the need for portable toilet facilities. The GTLO should also contact the appropriate services (such as education and environmental health) to inform them of the site and provide any relevant information.

51. We recommend that local authorities provide Gypsy/ Travellers on an unauthorised site with a single named point of contact who they can approach, normally as part of the initial site visit. This will usually be the GTLO, where the local authority has one in place. Annex B of this guidance provides a list of contact numbers for each local authority in relation to unauthorised sites.

52. If a site is on local authority land it may want to consider taking legal action to reclaim possession of the land in the circumstances below. This list is not exhaustive, and local authorities will need to take their own legal advice on any action. The relevant circumstances are:

- the unauthorised site is in an unsuitable location (see para 32);

- there is an intolerable or statutory nuisance to the general public by reason of the size, location, nature or duration of a site;

- the site is preventing the use of the location for another purpose;

- a suitable alternative stopping place has been identified, and Gypsy/Travellers have refused to relocate.

53. If a code of conduct has been issued to Gypsy/Travellers on local authority owned land any breaches of the code should be brought to the attention of the Gypsy/Travellers, with a warning that if the breach is not remedied, action to repossess the land will be considered.

Unauthorised sites on private land

54. If the unauthorised site is on private land we recommend an initial visit to the site by the GTLO, or another officer of the local authority. Following this visit we recommend that the local authority then:

- identifies the support needs of the Gypsy/Travellers on the site, and informs the relevant agencies;

- provides appropriate advice to the landowner regarding legal options and awareness of Gypsy/Traveller culture;

- advises the Gypsy/Travellers on the site of the frequency of any future visits the GTLO will make to the site.

55. The local authority may also wish to make regular visits to the site, in discussion with the landowner, to assess the condition of the site and the needs of Gypsy/Travellers living on the site.

Events and other large gatherings by Gypsy/Travellers

56. Large gatherings of Gypsy/Travellers can also occur, and take place for many different reasons. Sometimes these events are on land that is a temporary authorised site, and take place in the same location each year. Such large gatherings will be for a particular purpose, and for a specific period of time (such as 3 days). We recommend that the local authority makes arrangements with the Gypsy/Traveller organising the gathering in advance to plan the event, and discuss any requirements and issues that may arise from

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hosting such an event, as would be expected by any person organising a large event.

57. This advance planning helps to ensure that facilities such as skips and portable toilets can be provided. It will also allow the local authority to liaise with local police and to ensure that a suitable traffic management strategy is put in place to accommodate an unusually large volume of traffic. The local authority should also inform the local settled community that an event is taking place.

Waste Disposal

58. Accumulation of rubbish and waste can be a common problem associated with unauthorised sites. This can be unsightly, hazardous, and costly to clean up. Prevention of waste and action to remove it should both be part of a local authority's policy for managing unauthorised sites.

59. Fly-tipped materials should not be present on unauthorised sites. Section 33 of the Environmental Protection Act 1990 (EPA) makes it illegal to keep, treat or deposit waste on land without a waste management licence to do so. Section 89 of the EPA places a duty on local authorities to keep their land and roads clear of litter and refuse. It is up to local authorities to decide how they go about fulfilling their duties and what resources they use, providing that they take account of the guidance within the *Code of Practice on Litter and Refuse[2]*.

60. We recommend that where local authorities arrange regular collection of material from unauthorised sites they also provide recycling facilities. The use of skips or wheelie bins might be appropriate in some locations. These could be cost effective ways of reducing the need to spend money on cleaning up sites – particularly as the build-up of refuse can sometimes act as a magnet for others to fly tip at or near unauthorised sites.

61. Private land owners are responsible for the removal of waste from their land. However, Section 179 of the Town and Country Planning (Scotland) Act 1997 enables a local planning authority to require the owner and occupier of land to take specific steps to remedy the land's condition, if they consider that it adversely affects the local area.

62. Guidance produced by the Scottish Flytipping Forum (*Flytipping in Scotland: A Guide to Prevention and Enforcement*) for local authority and SEPA waste enforcement officers recognises that the owners of flytipped land are the victims of crime. It encourages local authorities and/or SEPA to investigate flytipping on public and private land and to offer assistance. This may be in the form of advice to prevent the problem in the future or help to uplift or dispose of waste if local circumstances allow.

63. Section 59 of the Environmental Protection Act 1990 provides local authorities with powers to require the removal of unlawfully deposited waste.

Regional Co-ordination

64. Management of unauthorised sites should not be seen as purely a local issue, as Gypsy/Travellers will move across local authority boundaries as they travel. Local authorities should therefore consider ways to facilitate cross boundary co-operation. Such co-operation should look not only at sharing information but also at closer working on responses to unauthorised sites, particularly in areas that have traditional Gypsy/Traveller routes. This might involve partnership working and sharing of local knowledge, expertise and the costs associated with any new approaches to managing unauthorised sites.

Transit Sites and Designated Locations

65. It is for a local authority to decide if they wish to establish a transit site in their area, to assist Gypsy/Travellers with short stays in their area. If a local authority is considering such a move we would encourage it to engage with Gypsy/Travellers to establish if such a site would be used. Such a transit site

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[2] Available on the Scottish Government website.

would be an authorised site established by a local authority for use for short stays.

66. Another approach that has been adopted is to identify particular locations that can be used for unauthorised sites. These are not sites with facilities, but areas of land that the local authority has determined as being suitable for use by Gypsy/Travellers wishing to set up an unauthorised site. Local authorities may want to consider if such an approach would be appropriate in their area.

CHAPTER 5:
ROLES AND RESPONSIBILITIES

67. This chapter sets out the key roles and responsibilities for those involved with unauthorised sites.

Gypsy/Travellers

68. When living on an unauthorised site, or choosing the location for one, there are responsibilities that we expect Gypsy/Travellers to meet. These are:

- not setting up an unauthorised site on locations that are unsuitable. This can be because of traffic hazards, public health risks, or environmental damage.   (Please see paragraph 32 for a list of the locations that are unsuitable);

- treating the land that they are occupying with respect. (Please see paragraph 33 for further details);

- co-operating with the local authority when arriving in an area by considering making first contact, thereby helping the local authority to assess and meet their needs.

The Local Authority

69. The management of unauthorised Gypsy/Travellers sites on public land is a matter for the local authority in whose area the unauthorised camp is established. This includes:

- decisions on the management of a site;

- making an initial assessment of needs and informing relevant agencies (e.g. education, health);

- considering the safety and security of those living on an unauthorised site;

- communicating with the Gypsy/Travellers living on the site, and the settled community around a site;

- any consideration of legal action to reclaim the land the unauthorised site is on.

70. If the unauthorised site is on private land the local authority retains responsibility for monitoring the camp; making agencies aware of any needs; and liaising with the landowner. However, it will be for the landowner to decide what legal action, if any, to take to reclaim the land.

Police Scotland

71. The role of the Police in or around an unauthorised site is to ensure that public order and wider community safety issues are addressed and, at the same time, to work with local authorities and other agencies to meet the needs of all communities.

72. The police will investigate any allegations of criminal offences and anti-social behaviour on or around a site in line with their normal procedures. That includes both offences those living on a site are alleged to have committed, and offences committed against Gypsy/Travellers living on a site.

73. If the police are requested to do so they will support local authority officers, landowners or their representatives by visiting unauthorised sites with them whilst they serve eviction notices, or similar. This is to ensure there are no public order issues. The police will not play any active part in the service of any papers or the eviction process itself unless instructed by the court or where a crime is being committed.

Crown Office & Procurator Fiscal Service (COPFS)

74. COPFS are responsible for taking decisions on prosecution, based on the evidence available and the individual circumstances of the case. That includes decisions to prosecute for alleged offences committed on or around an unauthorised site.

Scottish Government

75. The Scottish Government's role is to set a general approach to management of unauthorised sites by local authorities, a role which this guidance helps to fulfil. The Scottish Government is not directly involved in the management of unauthorised sites.

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ANNEX A:
TWO EXAMPLE CASE STUDIES

These case studies set out two scenarios involving unauthorised sites, and how the local authority might respond. These are fictional and do not reflect any specific unauthorised site but are based on events that have occurred on unauthorised sites in the past.

Case Study 1: Small family group

This is a site with three caravans and accompanying cars.

Those living on the sites are one extended family, comprising a couple in their fifties (one of whom is in need of a dentist), two men in their twenties (who are their sons) together with their wives, and 5 teenagers and children, ranging in age from 4 to 13. There are also two dogs on the site.

The group is on its way to a family wedding, and plans to stop for three days. The site is on local authority land in a rural location.

Possible local authority action

Initial visit by local authority GTLO. During this visit unauthorised site code of conduct and other relevant information would be provided, along with health contacts in area. The families would be asked if they have any medical or dental concerns. Any educational requirements would be considered, but what would be offered depends on the time of year and length of stay. The families would be advised regarding their conduct whilst in the area – no littering or fly tipping, keeping dogs under control, etc.

All information from above visit would be shared with partner agencies, taking account of Data Protection requirements and good practice. If dental care is urgent the family member would be referred to a local dental practice. Request local authority waste disposal team visit for waste collection.

If the family only remained for three days there would be no need for a 7-day review meeting.

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Case Study 2: Larger working group

This is a site with six caravans, four transit vans, six cars, two quad bikes, and a generator.

Those living on the site are one extended family of three brothers together with their wives and children. There are also several male workers (who are not family members) travelling as part of the group.

The group is travelling for economic reasons, and has no plans to move while there is work in the area. They have moved location within the same local authority area three times. Quad bikes are being used and have caused significant damage to the grass on the site, and there are also reports of anti-social behaviour on and around the site.

Possible local authority action

The local authority GTLO would make the initial visit to the site. As part of this any welfare needs of those on the site would be noted, including any educational needs. During this visit unauthorised site code of conduct and other relevant information would be provided. As the site involves a working party a local authority could choose to note the names of any businesses, so the local authority knew which businesses were operating from the site.

Appropriate agencies would be made aware of the site and the needs of residents. This would be for the local authority to decide, but might include internal services such as education and environmental health, and external bodies such as the NHS. The GTLO would discuss the issue with the Quad bikes and advise those living on the site that the damage is not acceptable. Photographs could be taken of the damage if appropriate, and the information passed to Police Scotland. The police should also be informed of the reports of anti-social behaviour, for them to investigate in line with their normal procedures.

The local authority would consider how best to manage the site. This could include consideration of:

- the local authority continuing on-going management of the site;

- asking those on the site to move to another location identified by the local authority;

- recording any issues around the site raised by the local settled community, such as noise from the generator etc.;

- if there are reports of offences being committed on or around a site (by Gypsy/Travellers or the settled community) Police Scotland should investigate these in line with their normal procedures;

- commencing court action to reclaim possession of the location, if those on the site refuse to move to another location, on the basis that the site is causing damage to the land it is on.

GTLO, Police Scotland, Environmental Health and other agencies and bodies as necessary would do regular joint visits to the site while it is there to assess the site and meet those living on it, and discuss action that can be taken to alleviate any issues.

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ANNEX B:
LOCAL AUTHORITY CONTACT NUMBERS

Below is a list of contact numbers for those who lead on managing unauthorised sites in their area (often the Gypsy Traveller Liaison Officer). Gypsy/Travellers on an unauthorised site can use these numbers to make initial contact with a local authority, if they wish.

Aberdeen City Council - **01224 522000**

Aberdeenshire Council - **03456 08 12 08**

Angus Council - **03452 777 778**

Argyll & Bute Council - **01546 605522**

City of Edinburgh Council - **0131 200 2000**

Clackmannanshire Council - **01259 450000**

Comhairle nan Eilean Siar - **01851 600 501**

Dumfries & Galloway Council - **030 33 33 3000**

Dundee City Council - **01382 434000**

East Ayrshire Council - **01563 576000**

East Dunbartonshire Council - **0300 123 4510**

East Lothian Council - **01620 827827**

East Renfrewshire Council - **0141 577 3001**

Falkirk Council - **01324 506070**

Fife Council - **03451 55 00 00**

Glasgow City Council - **0141 287 2000**

Highland Council - **01349 886606**

Inverclyde Council - **01475 717171**

Midlothian Council - **0131 270 7500**

Moray Council - **01343 543451**

North Ayrshire Council - **01294 310000**

North Lanarkshire Council - **01698 403200**

Orkney Islands Council – **01856873535**

Perth & Kinross Council - **01738 476 476**

Renfrewshire Council - **0300 300 0300**

Scottish Border Council - **0300 100 1800**

Shetland Islands Council - **01595 693535**

South Ayrshire Council - **0300 123 0900**

South Lanarkshire Council - **0303 123 1015**

Stirling Council - **01786 404040**

West Dunbartonshire Council - **01389 737000**

West Lothian Council - **01506 280000**

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ANNEX C:
SUMMARY OF LEGAL PROVISIONS RELEVANT TO UNAUTHORISED SITES

1. There are various civil and criminal law provisions which have the potential to be relevant to unauthorised sites, and issues that may occur around such sites. This Annex sets out some of the parts of the law that can be relevant to managing unauthorised sites and issues that may occur on or around such sites, arising from the law in Scotland, British and UK-wide legislation, and European obligations. This Annex is not intended to be comprehensive, and local authorities should seek their own legal advice. It also does not cover international obligations that may also be relevant to the management of unauthorised sites and Gypsy/Travellers living on them.

2. Preventing and detecting criminal offences is a matter for the police. The police can deal with any criminal activity where they have powers to do so.

3. In Scotland COPFS are the independent prosecution authority. Decisions to prosecute or not prosecute a case reported by the police will be based upon the evidence available and an assessment of the sufficiency of that evidence in law and whether the public interest merits a prosecution.

THE LAW IN SCOTLAND

Trespass (Scotland) Act 1865 and Roads (Scotland) Act 1984

4. Section 3 of the Trespass (Scotland) Act 1865 states:

>   "Every person who lodges in any premises, or occupies or camps on any land, being private property, without the consent and permission of the owner or legal occupier of such premises or land, and every person who encamps or lights a fire on or near any road or enclosed or cultivated land, or in or near any plantation, without the consent and permission of the owner

or legal occupier of such road, land, or plantation shall be guilty of an offence punishable as herein-after provided."

5. Section 100 of the Roads (Scotland) Act 1984 states that:

>   "A person who, without lawful authority or reasonable excuse, by lighting afire within, or by permitting a fire for which he is responsible to spread to within, 30 metres of a road, damages the road or endangers traffic on it, commits an offence."

6. Section 129 of the same Act states that a "person who, in a road, pitches a tent or camps commits an offence". Under section 151 a 'road' means "subject to subsection (3), any way (other than a waterway) over which there is a public right of passage (by whatever means and whether subject to a toll or not) and includes the road's verge, and any bridge (whether permanent or temporary) over which, or tunnel through which, the road passes; and any reference to a road includes a part thereof".

Anti-Social Behaviour Act 2004

7. The 2004 Act includes a range of measures to deal with anti-social behaviour such as antisocial behaviour orders. These powers, contained in Section 21, can be used to disperse groups for a range of antisocial and environmental offences. They may be relevant in relation to unauthorised sites as they could be used to protect both Gypsy/Travellers on a site and local settled people.

8. Anti-social behaviour orders (ASBOs) are preventative orders to protect persons affected by anti-social behaviour from further acts or conduct which causes or is likely to cause alarm or distress. Breach of an ASBO is a criminal offence. The offence for breach of an ASBO is contained in section 9 of the 2004 Act.

9. Tools to deal with anti-social behaviour should be considered in the context of local antisocial behaviour strategies. Local

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authorities and the police, in consultation with others, are required under Part 1 of the 2004 Act to prepare strategies to deal with anti-social behaviour in the local authority's area. These strategies will set out an assessment of the nature and extent of anti-social behaviour in the area and services to prevent and deal with the problems. Section 140 of the 2004 Act provides that persons discharging a function by virtue of the 2004 Act must do so in a way that encourages equal opportunities.

UK AND BRITISH WIDE LEGISLATION

Sections 61 and 62 of the Criminal Justice and Public Order Act 1994

10. This Act deals with trespass and the removal of vehicles. Section 61 deals with police powers to remove trespassers on land and section 62 provides supplementary powers of seizure and imposes criminal sanctions.[3]

11. It is important to note that sections 61 and 62 apply to situations in which two or more "trespassers" are involved. Section 61 allows the police to direct trespassers to leave the land and to remove vehicles or property on the land where the senior police officer present at the scene has a reasonable belief that:

(a) two or more persons are present with the intention of staying there for a period of time, and

(b) reasonable steps have been taken by, or on behalf of, the occupier to ask them to leave.

12. In addition, the senior police officer must have a reasonable belief that either (a) the group have caused damage to the land or property, or threatened, abused or insulted the occupier or representatives of the occupier or, (b) the group have six or more vehicles between them on the land.

13. The practical application and meaning of section 61(1) has been tested in the Scottish courts. The court in **Neizer v Rhodes** 1995 S.C.C.R 799 said that;

"The whole structure of s.61(1) depends upon what the senior police officer present at the scene reasonably believes to be the case. The purpose of the section is to enable action to be taken on his direction rather than by resorting to the process of ejection under the civil procedure at the instance of the owner or occupier."

As set out above it is a matter of judgement for the senior police officer present at the relevant time.

14. These provisions could be relevant to the issue of unauthorised sites by Gypsy/Travellers, where there has been disruption and where the criteria set out above have been satisfied. However, it is clear that this legislation will not be suitable to deal with every unauthorised site situation.

15. In addition, it should be noted that the statutes deal with "trespassers" and do not specifically mention Gypsy/Travellers. Furthermore, it is not confined to the issue of unauthorised sites specifically. It is important to be aware that this legislation could potentially be applied in a wide variety of circumstances.

Equality Act 2010

16. The Equality Act 2010 (the 2010 Act) makes it unlawful to discriminate against people because of a range of protected characteristics (see paragraphs 16 to 20 in the guidance, above). The Act covers direct discrimination, indirect discrimination, harassment and victimisation. More information about what these terms mean and how the legislation works can be found in the Equality and Human Rights Commission's statutory Codes of Practice[4].

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[3]Note that Sections 62 A-E of the 1994 Act, inserted by the Anti-social behaviour Act 2003, do not extend to Scotland.

[4] EHRC Codes of Practice: https://www.equalityhumanrights.com/en/advice-and-guidance/equality-act-codes-practice#h4.

17. Section 149 of the 2010 Act sets out the public sector equality duty. This puts a duty on listed public authorities (including local authorities) to have due regard to three specified matters when exercising their functions. The three matters are:

- eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;

- advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

- fostering good relations between persons who share a relevant protected characteristic and persons who do not share it.

18. Scottish Ministers have made regulations to enable the better performance of the public sector equality duty by Scottish public authorities. These include, amongst others, a requirement to publish a set of equality outcomes; to report on how the duty is being integrated into the authority's functions; to gather, use and publish employee diversity information; and a duty to undertake equality impact assessment of new or revised policies or practices.

Crime and Disorder Legislation

19. There is also legislation which offers protection from racially motivated crimes. In Scotland protection against racially aggravated harassment is afforded under Section 33 of the Crime and Disorder Act 1998 which introduced the offences under section 50A of the Criminal Law (Consolidation)(Scotland) Act 1995. Section 96 of the 1998 Act also creates an aggravation for any offence which is racially motivated. The Public Order Act 1986, Part 4, also applies to Scotland. It creates a number of offences which involve racial hatred such as use of words or behaviour or display of written materials intended to stir up racial hatred, and possession of inflammatory material.

Environment Protection Act 1990

20. Flytipping is the illegal dumping of waste – from a bin bag of household waste to large quantities of domestic, commercial or construction waste - onto land which is not covered by a licence to accept waste.

21. Such unauthorised depositing of waste is an offence under Section 33 of the Environmental Protection Act 1990 (EPA). Section 59 of the EPA provides powers to SEPA and local authorities to require the removal of the waste or to remove it themselves and recover the costs.

Litter is waste in the wrong place and Section 87 of the EPA makes it an offence to throw down, drop or otherwise deposit litter and leave it. This largely applies to publicly-owned land which is open to the air and accessible to the public.

British Transport Commission Act 1949

22. Section 55(1) of the British Transport Commission Act 1949 makes it an offence to trespass upon any railway line, sidings, tunnel, embankment or cutting, or on lands in dangerous proximity to lines or electrical apparatus associated with the operation of the railway. It states:

> "55(1) any person, who shall trespass upon any of the lines of railway or sidings or in any tunnel or upon any railway embankment cutting or similar work now or hereafter belonging or leased to or worked by any of the Boards or who shall trespass upon any other lands of any of the Boards in dangerous proximity to any such lines of railway or other works or to any electrical apparatus used for or in connection with the working of the railway shall be guilty of an offence."

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EUROPEAN OBLIGATIONS

European Convention on Human Rights

23. The rights and protections afforded by the articles of the European Convention on Human Rights (ECHR) (and latterly the Human Rights Act 1998) should be enjoyed by all, without discrimination on the grounds of "sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status." In particular, Article 8 states that "everyone has the right to respect for his private and family life, his home and his correspondence." ECHR issues in relation to the existing legislation have been considered in a number of cases.[5]

24. The Human Rights Act 1998 created a statutory requirement to read all legislation (past and present) in accordance with the provisions of the European Convention. In relation to public bodies, Section 6(1) states that "it is unlawful for a public authority to act in a way which is incompatible with a Convention right."

Council Directive 2004/434/EC (the Race Directive)

25. Council Directive 2000/43/EC (the Race Directive) is due to be implemented in member states by 19th July 2003[6]. The Directive has regard to the Treaty establishing the European Community, in particular Article 13 (as amended by the Treaty of Nice), which states that:

> "Without prejudice to the other provisions of this Treaty and within the limits of the powers conferred by it upon the Community, the Council, acting unanimously on a proposal from the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation."

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[5] R (Fuller) v Chief Constable of Dorset Police, The Secretary of State for the Home Department [2003] Q.B. 480; Chapman v The United Kingdom 2001 (Application no. 27238/95); Varey v The United Kingdom 1998 (Application no. 26662/95); Buckley v The United Kingdom 1994 (Application no. 20348/92).

[6] Implemented in the UK by the Race Relations Act 1976 (Amendment) Regulations 2003

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ANNEX D:
EXAMPLES OF GOOD PRACTICE

During the development of this guidance we found several examples of good practice in managing unauthorised sites. To assist local authorities in learning from one another we have gathered some useful resources together in this annex, which local authorities may wish to review and adapt for use in their own area. For any queries relating to this material please contact the local authority concerned.

- Flow Chart for Managing Unauthorised Sites (from the City of Edinburgh Council)

- Action sheet for completion at an Unauthorised Site (from the City of Edinburgh Council)

- Code of Conduct for Unauthorised Gypsy/Traveller Sites (from East Ayrshire Council)

- Gypsy Traveller Co-operation Policy (from Fife Council)

- Unauthorised Sites operating Guidance (from Fife Council)

- Good neighbourhood Code (from Scottish Borders Council)

- St Boswell's Fair - a large gathering (from Scottish Borders Council)

Material available online:

Angus Council
Managing Unauthorised Encampments of Gypsies/Travellers
Policy and Procedure
http://www.angus.gov.uk/downloads/file/1685/managing_unauthorised_encampments_of_gypsies_travellers_-_policy_and_procedure_final_draft_-_august_2015

Stirling Council
Gypsy/Travellers: Guidelines for Unauthorised Encampments
http://www.stirling.gov.uk/__documents/temporary-uploads/housing-_and_-customer-service/guidelines_on_unauthorised_encampment.pdf

CITY OF EDINBURGH COUNCIL - FLOW CHART FOR MANAGEMENT OF UNAUTHORISED SITES

NOTIFICATION OF UNAUTHORISED ENCAMPMENT

Private ← Encampment on Private or Local Authority Land? → Local authority

Visit by local authority Unauthorised Encampment Liaison Officers and Police Scotland

Identify the support needs of those in encampment

Provide appropriate advice to landowner regarding legal options and cultural awareness

Decision on how to manage site (regularly reviewed)

Visited by local authority Unauthorised Encampment Liaison Officers & Police Scotland

Contact:
Health Inequality
Children and Families
Care Services
(For Older People)

Inform:
Local Community Safety Manager
SfC Health Improvement and Diversity Manager

Contact:
Keep Well Health Service
Children and Families
Care Services
(For Older People)

Inform:
Local Community Safety Manger
SfC Health Improvement and Diversity Manger

Decision on how to manage site (regularly reviewed)

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CITY OF EDINBURGH COUNCIL - ACTION SHEET FOR UNAUTHORISED SITES

Location (including Risk Assessment of suitability of use)	Local Authority or Private Land	Date of Arrival	Vehicles (including details of increase/ decrease in size of site)	Occupant Details	Support Needs Identified (Health, Child Welfare, Vulnerable Adults) Where these met and by who?	Details of services provided by NHO (waste collections/water etc.)

Nature of Complaints received	Legal Action Date of Commencement	How far the action went from serving notice to quit to eviction	Date Site Vacated	Summary of Lessons Learnt

CODE OF CONDUCT – EAST AYRSHIRE COUNCIL

CODE OF CONDUCT FOR UNAUTHORISED GYPSY/TRAVELLER ENCAMPMENTS

East Ayrshire Council respects and recognises that Gypsy/ Travellers have a right to maintain their way of life and there should be no acts of discrimination shown as a result of their lifestyle.

However, the Council is also responsible for ensuring the balance of needs and wishes between Gypsy/Travellers and the settled communities.

Gypsy/Traveller communities have a responsibility and duty to treat the land that they are occupying with respect.

In some instances the Council may grant a period of stay on Council land. When such a stay is permitted, Gypsy/ Travellers are effectively guests of both the Council and the local community and, as such, the standard of behaviour expected is the same as that for society in general, while observing in full the terms of this Code of Conduct.

The Code of Conduct will be issued to all residents on unauthorised encampments on Council and private land.

THE CODE OF CONDUCT STATES THAT:

- The site should not be overcrowded.
- Vehicles and caravans should not create a road hazard.
- The site should be kept clean.
- Litter or rubbish should not be dumped. This includes domestic and trade waste such as scrap metal, tree loppings, tyres, and rubble.
- The burning of rubbish that emits toxic fumes or causes any form of nuisance to passers by or neighbours is not permitted.
- Fires should not be started.
- Human waste, babies' nappies etc should be disposed of accordingly and appropriately.
- Pets must be kept under control and all mess should be disposed of in an appropriate manner.
- Generators should not be used between 10pm-7am within the vicinity of residential properties.
- The use of threatening/intimidatory behaviour towards Council employees, other agencies, local residents or members of the public will not be tolerated.
- All residents on site should be aware that any criminal activity will always be reported to the Police.

Waste disposal and recycling facilities are located at:
- Western Road, Kilmarnock, KA3 1LL
- Skares Road, Garlaff, near Cumnock, KA18 2RB

If Gypsy/Travellers breach the Code of Conduct, or camp on an unsuitable location, East Ayrshire Council may take enforcement action, including seeking eviction from that location. Gypsy/Travellers who are evicted will be unable to return to the encampment for a 4 week period.

If the encampment is on private land, the Council may be able to assist with support and guidance with regard to legislation and recognised good practice. Ultimately, the course of action taken will be for the landlord to decide and that may include raising an action for eviction.

LOCATIONS THAT WILL BE DEEMED UNSUITABLE FOR ENCAMPMENT

Locations that will be deemed unsuitable for encampment will depend upon their particular attributes, circumstances and location. However, a non-exhaustive list of examples of locations deemed unsuitable is listed below:

- Parks, public open spaces in regular use, sports and recreation ground.
- Public car parks.
- Industrial estates, retail or business parks (including sites under development).
- A site where pollution from vehicles or dumping could damage ground water or watercourses.
- A site of special scientific interest where an encampment endangers a sensitive environment or wildlife.
- A public highway or designated highway land.
- A location where there is, or is likely to be a significant risk of harm to the health and safety of the occupants (e.g. an area with toxic waste or any other serious ground pollution, or on the verge of busy roads where traffic could pose a danger to children).

USEFUL TELEPHONE NUMBERS

Team Manager Housing Options
Housing and Community Services
East Ayrshire Council
01563 554567

Regulatory Services Manager
Environmental Health Services
East Ayrshire Council
01563 576913

Equality & Diversity Officer
Policy, Planning and Performance
East Ayrshire Council
01563 576244

Advocacy Project Kilmarnock
01563 574442

Citizens Advice Bureau Kilmarnock
01563 544744

Crosshouse Hospital
01563 521133

DWP Kilmarnock
01563 578500

NHS 24
08454 242424

Police Scotland Kilmarnock
01563 505000

Samaritans Kilmarnock
01563 531313

Social Work Balmoral Road Kilmarnock
01563 503301

Turning Point Kilmarnock
01563 574257

Womens Aid Kilmarnock
01563 536001

Fife Gypsy Travellers Co-operation Policy (revised March 2015)

1.0 <u>Aim</u>

The aim of the Policy is to provide a framework of co-operation with Gypsy Travellers in Fife, clearly identifying their rights and responsibilities, and that of the Business & Settled Communities.

2.0 <u>Objectives</u>

The main objectives of the Policy are:-

- ➤ To agree the respective rights and responsibilities of the Council and Gypsy Travellers.
- ➤ To agree proper consultation mechanisms based on the full participation between Council Services, Fife Constabulary, other Partners in the Public and Voluntary Sectors and Gypsy Travellers.
- ➤ To manage unauthorised encampments in the context of the provision of permanent and Seasonal Sites provision for Gypsy Travellers.
- ➤ In light of the most recent experience with larger groups of Gypsy Travellers in Fife, to ensure that the Council manages unauthorised encampments fairly and robustly in accordance with the agreed guidance
- ➤ To ensure that the interaction between the settled and business communities and the Gypsy Traveller Community is managed proactively through effective partnership working involving all of the agencies and services involved

3.1 <u>Principles</u>

This Policy recognises:

3.2 <u>Gypsy Travellers Rights</u>

- ➤ The right to roam as central to the Gypsy Traveller culture
- ➤ The right of Gypsy Travellers to live a life free from prejudice and discrimination
- ➤ The right for Gypsy Travellers to be fully involved/consulted in the development of services provided for them
- ➤ Protect the rights of children to obtain settled & temporary accommodation, education and health

3.3 <u>Gypsy Travellers Responsibilities</u>

- ➤ To respect the provisions of the law in Scotland, particularly in relation to

access to land, respect the integrity of security gates, fences etc, to prevent unauthorised access to publicly or privately owned land in Fife

➢ The responsibilities of Gypsy Travellers to respect the interests of the Settled and Business communities

➢ The responsibility to work co-operatively with the Council and other public and voluntary organisations, and to move to alternatives to an unauthorised encampment when requested to do so by the Travelling Persons Site Manager. Alternative suitable provision will include vacant permanent pitches, and seasonal site pitches.

➢ The responsibility to respect the Council's overarching responsibility to consider the interests of all communities in Fife.

4.1 <u>Background to Policy Requirement and Development</u>

4.2 The requirement to produce a Co-operation Policy arises from the advice from the Scottish Government to all Local Authorities in Scotland that they agree procedures with Police Scotland to deal with unauthorised encampments of Gypsy Travellers. The scope of the Fife Policy Statement also encapsulates Gypsy Traveller services provision and development.

4.3 The development of the Policy is the responsibility of the Council working in partnership with other key partners including Police Scotland, Education & Children Services, and NHS Fife.

5.1 <u>Unauthorised Encampments</u>

5.2 The Council and Gypsy Travellers recognise that the existence of unauthorised encampments has the potential to give rise to significant complaints, not just from the general public but also from the business community.

5.3 Fife Council will initiate proceedings for eviction of unauthorised encampments where an encampment:-

5.3.1 Creates a hazard to road safety, contrary to Fife Council's Transportation Development Guidelines; to the ability of the Fife Fire and Rescue Service to discharge its responsibilities or otherwise creates a health or safety hazard; or

5.3.2 Creates an intolerable nuisance by reason of its size, location, nature or duration; or

5.3.3 Creates an intolerable impact on employment land, use of habitation on adjoining or nearby property; or interferes with the effective operation or management of that property; or

5.3.4 Causes or is likely to cause damage to the Council's land or property or prejudice to its employees; or prejudices or is likely to prejudice the use of land for its intended purpose(s) or by legitimate tenants or occupants; or

5.3.5 is too large for its location or is causing unacceptable impact on its environment; or

5.3.6 Would, for some other reason, be detrimental to the interests of the public if allowed to remain for an extended period."

5.4 The decision whether to allow an unauthorised site to remain will be a balance between the needs, rights and wishes of the Travellers and those of the settled community; and whether there is any impact on the environment. Corroborative evidence on the level of nuisance and/or impact(s) which are occurring and which cannot be effectively controlled will be required before action is taken. Each case

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will be assessed on its own merits based on site location and local circumstances. The health, social, education and housing needs of Gypsy Travellers will be taken into consideration when a decision is reached. Information gathered will determine the appropriate action to be taken and the duration of stay (if applicable).

6.1   Seasonal Sites

6.2   The Council intends to supplement the static provision in Fife, both public and private, with a number of seasonal sites. The Council intends to establish these sites for the Travelling Season in 2015 (March – October), in full consultation with Local Members and Community interests.   Unauthorised encampments outwith permanent sites pending the completion of the seasonal sites will not be permitted if the strict terms of the criteria set out in paragraph 5.2 of the Council's policy are breached.

6.3   The Council will operate the seasonal sites on a pilot basis for one season with an evaluation report back to the Council's Executive Committee in December 2015.

6.4   The seasonal sites will have the following amenities:

- Hard standing area to agreed area extent to accommodate up to 30 caravans and associated vehicles
- Water supply either via a standpipe supply or by water bowser provision
- The removal of trade waste at an agreed charge (Duty of Care Regulations)
- Provision of portaloos
- Provision of black bags for domestic waste or 240 litre wheeled containers, one for each designated seasonal pitch

Location of Seasonal Sites

6.5   Seasonal sites may be located on nominated areas at the periphery of business parks where Gypsy Travellers have tended to set up unauthorised encampments.

Definition of a Seasonal Site

6.6   A seasonal site will be a piece of land in the Council ownership or private ownership to be expressly used as a short-term usage (up to 4-6 weeks) by Gypsy Travellers. The site rules and occupancy conditions will be managed in co-operation with Gypsy Travellers by the Council's Travelling Persons Site Managers.

Management of Seasonal Sites

6.7   The management of seasonal sites will be the responsibility of the Housing Service's Travelling Persons Managers in liaison with key Council Services, Police Scotland, Health agencies, voluntary agencies, and in consultation with Gypsy Travellers.

6.8   It is the responsibility of Gypsy Travellers to use the designated sites and to use them in a responsible manner, particularly in maintaining the cleanliness of the sites, and to respond appropriately to the waste disposal agreement on each site. Gypsy Travellers who do not respect the site or other residents on the site (e.g.

cause anti-social behaviour, dumping of waste/rubbish), will be required to leave the site.

6.9 Gypsy Travellers seeking to set-up alternative unauthorised encampments will be advised to move to the designated sites. The Council will seek to move Gypsy Travellers on if the voluntary arrangement is not met.

Charging

6.10 The Council will charge all reasonable costs for the provision of services to the seasonal sites in the form of a Service Charge levied on site users. Gypsy Travellers using seasonal sites will be required to pay the appropriate charge. Failure of Gypsy Travellers to do so will result in their requirement to move from the site.

7.1 **Service Provision to Gypsy Travellers**

7.2 The Council confirms that best practice in the provision of Gypsy Travellers services is based on the direct participation of Gypsy Travellers. The Co- operation Policy will lead to a review of all services currently provided by Public and Voluntary Agencies in Fife to ensure that they meet current and anticipated needs, and that Gypsy Travellers are involved in their review. Fife Council Executive Committee will play a key role in the review and recommending changes to services to meet the needs and gaps that are identified.

7.3 This Policy recognises that the needs and aspirations of a nomadic group, and hence the services that are required, may differ from those of the settled community.

7.4 The external Regulation of Service provision to Gypsy Travellers in Fife will be the responsibility of the Scottish Housing Regulator.

7.5 The basis for all services to Gypsy Travellers is that they are provided equally and fairly for all citizens in Fife.

8.0 **Policy Monitoring and Review**

The Co-operation Policy will regularly be monitored and reviewed by the Fife Council Executive Committee with the direct participation of Gypsy Travellers. The Housing & Communities will receive an annual statement in March for scrutiny purposes.

Updated March 2015

FIFE COUNCIL – UNAUTHORISED SITES OPERATING GUIDANCE

GYPSY TRAVELLERS AND UNAUTHORISED ENCAMPMENTS

Guidance

1. Public concerns or complaints about unauthorised encampments should be raised through the Contact Centre.
2. Contact centre will notify the designated Gypsy Traveller Site Manager and the Site Manager in the area.
3. The Site Managers are responsible for managing unauthorised encampments and notifying Elected Members, Police Scotland, and local Community Councils about the situation.
4. Gypsy Traveller Site Manager will alert other Fife Council Services as required, services are aware of their responsibilities within the context of a multi-service response.
5. The Gypsy Travellers will be approached within 48 hours of notification of the encampment. The designated site manager will establish:-

   - The safety of the position of the encampment
   - The number of families on the site including the number of vehicles and caravans
   - Health, education, housing, and welfare needs of the families
   - The intended length of stay of the Gypsy Travellers
   - The reason for being in Fife
   - The travelling pattern of the individuals/group
   - Where they intend to go
   - The ownership of the site

6. The Officer(s) will:-

   Provide information to the Gypsy Travellers on:-

   (a)   The Council's Co-operation Policy
   (b)   Details of alternative sites (permanent and seasonal if available)

   Provide an Application for Housing or Travelling Pitch if requested
   Make a referral for any assistance required from health, education or any welfare needs

7. The Officer(s) will evaluate the individual circumstances and take action to:-

   (a)   Recommend removal of the Gypsy Traveller(s). This should be done within a 1-5 day period based on the assessment of the site.
   (b)   Short stay. This would be for a 5-15 day period, again depending upon the circumstances of the individual travelling group.
   (c)   A temporary stay for a period of 5-28 days.

8. In cases where removal is required, the Designated Officer will notify relevant services and negotiate removal with approved solicitors.

   In all circumstances, consideration needs to be given to the provision of education, health, environmental protection and waste collection.

The approach reflects the need to determine the circumstances in which an encampment might be allowed for a period; establish the level of nuisance and whether it can be effectively controlled; and establish service support where necessary.

9. An essential part of the guidance is monitoring every situation which arises to ensure the effectiveness of the policy. The designated Officer should make regular visits to the unauthorised encampment to ensure there is no breach of the Co-operation Policy; and that the service support offered is sufficient to meet the Gypsy Travellers' needs. Contact should also be made with the complainant to advise them of the steps taken by the Council and monitor their concerns.

10. Statistical information should be collated. This would allow the level and type of complaints to be monitored; the travel patterns of Gypsy Travellers; the effectiveness of the policy in discouraging the use of unauthorised sites; and the success in encouraging use of the Council's permanent, seasonal and traditional sites.

Monitoring and gathering of statistical information will be recorded and reported to the Housing Team Manager. This will provide a basis for future reviews of the policy to ensure its continued effectiveness in consultation with all relevant parties.

23rd March 2015

SCOTTISH BORDERS COUNCIL – LARGE GATHERING EVENT LEAFLET
(Please note that St Boswells Fair is a large gathering that is an authorised site for a temporary period of time).

The aim of this leaflet is to ensure that everyone involved with the Fair enjoys it and helps improve it in the future. George Higgs the Chairman of our Borders Equality Forum will be attending and asking you to advise him on how the Council can improve the Fair, and indeed, how you can access our services in the future.

George's contact details are in the "Useful Contact" section of this leaflet.

Comments/Feedback:-

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You can get this document on tape, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

Contact:
Jacqueline Whitelaw,
Scottish Borders Council, Council Headquarters,
Newtown St. Boswells, TD6 0SA
Tel: 0300 100 1800 Fax No: 01835 825071

Useful Contact Numbers

Scottish Borders Council (all services)
Office hours	0300 100 1800
Out of hours	01896 752111

Hospital
Borders General Hospital	01896 826000

NHS 24 — 111

Borders Emergency Dental Service — 0845 300 0930

Borders Equality Forum — 07762403531

Police Scotland — 101 / 999

Scottish Fire and Rescue Service
General Enquiries	01835824728
Emergency	999

Front Cover Photograph - George Higgs
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Printed in the Scottish Borders
May 2016

St Boswells Fair

Our Scottish Borders Your community

POLICE SCOTLAND
NHS Borders
SCOTTISH FIRE AND RESCUE SERVICE
Borders Equality Forum
Scottish Borders COUNCIL

Scottish Borders Council, in conjunction with NHS Borders and Police Scotland, take the opportunity of welcoming you, once again, to St. Boswells in the Scottish Borders and trust that you will enjoy your Annual Fair.

We are pleased to be supporting this event, which dates back to the 1600s and has been held on The Green since 1743. The Fair has changed significantly since its original format as a sheep fair lasting seven days, through to the early 1900s where up to 1000 horses could be offered for sale at the event, through to its current format.

This Fair, traditionally held on July 18th – the Saint's Day of Boisil in the Gregorian calendar is a wonderful tradition to uphold and a significant event in Borders life. We hope that once again it will be a great success and enjoyed by all.

Kirk Yetholm Gypsy Palace 1945

To ensure that we all enjoy the Fair we ask that:

- Areas shown and marked on the site plan are kept clear at all times to allow access to the emergency services, if required
- You take full advantage of the skips and portaloos marked on the site plan
- You take full advantage of the public convenience, situated at the bus stop in St Boswells.
- You keep any driving on the green to a minimum or, where absolutely necessary, keep speed to a minimum and always drive in accordance with the law
- You treat open fires with respect
- You respect the rights of neighbours by keeping noise levels to a minimum particularly after 10pm in the evening.

Hate Crime

Hate Crime is any criminal offence that is motivated by a person's hatred of someone because of his or her actual or perceived race, religion, transgender identity, sexual orientation or disability.

You can report a Hate Crime as follows:

- By Telephoning 999 (emergency) or 101 (non-emergency)
- In person at any Police office
- In person at third party reporting centres including:
  - Council Contact Centres in most towns
  - Victim Support Galashiels
  - Tweedside Caravan Park, Innerleithen
  - Via the Police Scotland Website

Site Plan
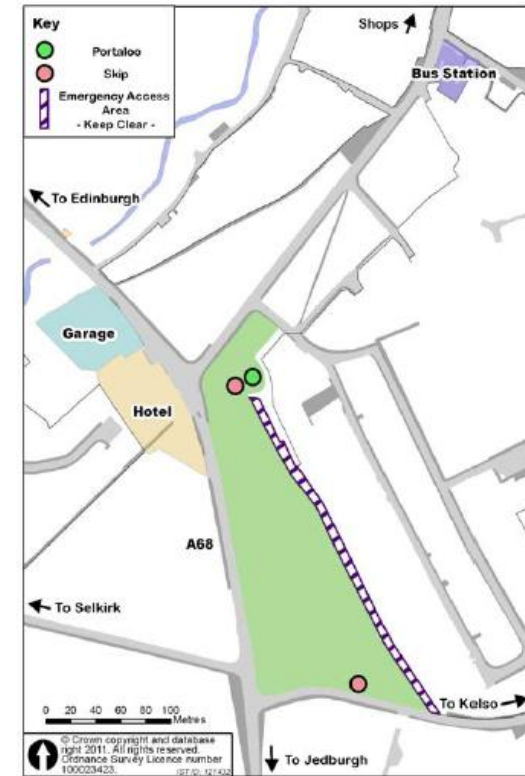
Scottish Borders Council will provide, as usual the following services -

- Portaloos
- Skips
- Access for Emergency Services (Fire Brigade, Ambulance and Police)

The site plan indicates where these services are located.

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The aim of this leaflet is for Scottish Borders Council NHS Borders, Police Scotland the the Scottish Fire and Rescue Service, to foster their relationship with the gypsies and travelling people.

Comments/Feedback

If you have any comments on the leaflet please send these to:
Douglas Scott,
Scottish Borders Council, Council Headquarters,
Newtown St. Boswells
Melrose

You can get this document on tape, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

Contact:
Douglas Scott, Scottish Borders Council, Council Headquarters, Newtown St. Boswells, TD6 0SA Tel: 0300 100 1800 Fax No: 01835 825059

Contact Numbers

Scottish Borders Council (all services)

Office hours	0300 100 1800
Out of hours	01896 752111
Borders General Hospital	01896 826000
NHS 24	111
Borders Emergency Dental Service	0845 300 0930
Borders Equality Forum Chairman - George Higgs	07762403531
Police Scotland	101/999 (emerency)

Hate Crime

You can report a Hate Crime as follows:

- By Telephoning 999 (emergency) or 101 (non-emergency)
- In person at any Police office
- In person at third party reporting centres including:
  - Council Contact Centres in most towns
  - Victim Support Galashiels
  - Tweedside Caravan Park, Innerleithen
  - Via the Police Scotland Website

Photographs - George Higgs
Designed by Scottish Borders Council Graphic Design Section.
Printed in the Scottish Borders November 2010

A Guide for Gypsy/ Travelling People Staying on Unauthorised Sites in the Scottish Borders

Our Scottish Borders
Your community

34
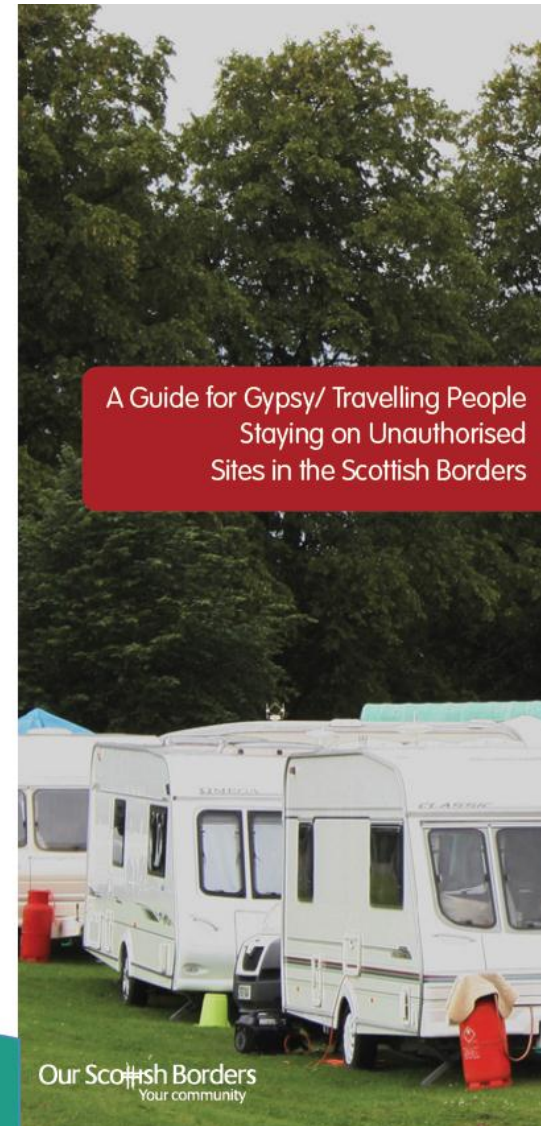
Scottish Borders Council, together with NHS Borders, Scottish Fire and Rescue Service, Lothian and Borders Police and other Scottish Borders Community Planning Partners want to continue to improve their relationships with the Gypsy/Travelling community.

We are aware that Gypsy/Travellers camp for short periods at one place and are restricted as to where they can legally encamp. We are keen to promote a fair balance between the needs of the local settled community and Gypsies/Travellers.

This leaflet sets out how we manage unauthorised camping on sites and what this will mean for you and your family.

The Good Neighbour Code

We will:

- Provide information on waste disposal and other public services to assist your transit through the Scottish Borders
- Respond to any issues you may have or experience.

The Chair of the Borders Equality Forum will:

- Visit the site on a regular basis and make contact with you
- Ask you about your welfare, education and health needs
- Provide information on waste collection and the process in place for dealing with trade waste
- Check how long you have been at the site and plan to be there
- Inform you of concerns that local people have raised and discuss with you what action you can take to resolve these concerns
- Check if there are any animal welfare concerns.

We expect you to:

- Keep groups to a reasonable size for the area occupied
- Look after the land you park on and respect nearby neighbours
- Keep animals tied up or under control at all times
- Dispose of all rubbish properly in the bags or waste bins provided
- Use toilets
- Ensure that there is no road or road traffic hazards
- Not have fires
- Clear up all animal and human waste
- Comply with trading and selling regulations.

Non Compliance with Good Neighbour Code

If the Good Neighbourhood Code is not followed then you will be told to move at once and the Council and its partners will consider if any more action should be taken. Compliance does not prevent private landowners taking action to move you on.

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ANNEX E:
STAKEHOLDER ENGAGEMENT

The following organisations assisted with the development of this guidance, by providing their views and knowledge, hosting visits, commenting on draft versions, or providing materials.

Aberdeen City Council
Aberdeenshire Council
Angus Council
Argyll & Bute Council
Article 12
Association of Local Authority Chief Housing Officers
Convention of Scottish Local Authorities
Crown Office and Procurator Fiscal Service
Dundee City Council
East Ayrshire Council
East Lothian Council
City of Edinburgh Council
Equality and Human Rights Commission
Falkirk Council
Fife Council
Glasgow City Council
Gypsy/Traveller community members
Highland Council
Minority Ethnic Carers of Older People Project (MECOPP)
North Ayrshire Council
North Lanarkshire Council
Orkney Islands Council
PAS
Perth and Kinross Council
Police Scotland
Scottish Borders Council
Scottish Council Equality Network
Scottish Enterprise
Scottish Human Rights Commission
Scottish Land & Estates
Scottish Traveller Education Programme
Shetland Islands Council
Society of Chief Officers of Transportation in Scotland
South Lanarkshire Council
Stirling Council
Transport Scotland
Travellers Site Managers Association Scotland
West Dunbartonshire Council

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Improving educational outcomes for children and young people from travelling cultures

Scottish Government
Riaghaltas na h-Alba
gov.scot

Contents

Foreword

The defining mission of this Government is delivering excellence and equity in Scottish education in order to raise the bar for all our children and young people and to close the attainment gap. That is why I cannot accept the poor educational experiences and outcomes that some children and young people from travelling cultures have.

Together we share a moral and statutory duty to deliver the right to an education and a positive educational experience for all Traveller children and young people. To do this we must first recognise, understand and address the barriers to realising educational potential that some of these children and young people may face. This is not an easy task but we know that by making changes we can deliver improvements.

Across the country we are seeing the rewards of the collaborative efforts of some local authorities, schools and Traveller families. We are hearing inspirational stories of positive educational experiences, improved attainment and better life chances for some of our young Travellers. But this remains the exception rather than the norm. And so alongside this guidance, we are investing in a new programme of work delivered by the Scottish Traveller Education Programme to provide practical advice and support and to encourage and share best practice across the country.

We know that to rise to this challenge we need a collective effort: an effort that brings together those who *deliver* the education service with those whose lives can be enhanced through it; an effort which seizes the opportunities afforded by family engagement from the very start of a child's learning journey to beyond school age; and an effort that might need to start not in school, but in the community. And we know that our efforts must be based on respectful communication, strong relationships and ultimately trust.

We all need to work together, and ensure that we raise our collective expectations of what can be achieved. We all have a part to play - local authorities, education authorities, early learning and childcare providers, educators, school staff, careers advisers, further and higher education providers, children and young people, their parents and families, communities, the third sector. Our education system must include and welcome children and young people from diverse and rich travelling cultures, and adapt better to meet their needs. I want to encourage Travellers and their families to engage with and shape the Scottish education system in to one which works better for them.

This guidance aims to set the context for supporting Traveller education and to help those working with Travellers to build strong relationships and develop effective, truly inclusive educational approaches. We hope that it helps you to take the next steps towards a much improved future for Travellers in Scottish education.

John Swinney

Deputy First Minister and Cabinet Secretary for Education and Skills

Section 1: Introduction

Guidance purpose and development

The purpose of this document is to provide guidance about supporting Traveller children and young people and their families to engage in education so as to improve their life outcomes. It:

- sets out the context for supporting Traveller children and young people and their families
- encourages an understanding of the challenges they might face in engaging with the education system, and therefore
- supports schools, local authorities and other stakeholders to offer effective, inclusive educational approaches

Why is guidance necessary?

This guidance has been developed as a direct response to the very real concerns about the achievement of educational outcomes, and therefore life outcomes, by some Traveller children and young people. As is evidenced within this document, some Traveller children and young people's educational outcomes are among the worst in Scotland. The Scottish Government is committed to enabling all children and young people to reach their full potential and this guidance is intended to support those working with Traveller children and young people in Scotland's schools and communities in improving educational outcomes over time.

Who is this guidance for?

While primarily aimed at schools, ELC settings and local authorities, the guidance may also be useful to a range of stakeholders who have a role in supporting Traveller families such as: health and social care practitioners; those who can support transitions from school into further and higher education or employment; CLD (Community Learning and Development) teams; and adult and family learning providers. The guidance will also be of use to local authorities when developing their Traveller Education strategies. Traveller families living in Scotland, as well as regular seasonal Travellers to Scotland, may also find it helpful in providing clarity on Scottish education and to understand how they can best support their children throughout their education.

How to use this guidance

This document is divided into four sections:

- Section 1 provides an introduction which sets the context and provides evidence of the educational outcomes and educational experience of some Traveller children and young people in Scotland.
- Sections 2 and 3 focus on areas which are most likely to be relevant to improving outcomes for Travellers. The information is loosely based around two of the categories for quality indicators used in How Good is Our School 4 (HGIOS4) and How Good is Our Early learning and Childcare (HGIOELC): [1]
  - ° Leadership and Management – in schools and classrooms, and also in the wider local authority.
  - ° Learning Provision – focussed on educational approaches, as well as the importance of family engagement.
- Section 4 comprises annexes, including a summary of the legislative and policy context and information on further resources.

Inevitably, there is overlap between the sections and subsections and because of this, some repetition. References, including references to online material or other parts of the guidance, aid further exploration of points of interest.

How this guidance was developed

The guidance was developed by a diverse working group comprising representatives from local authorities who support Traveller families, including an EAL (English as an additional language) expert, a teacher of Travellers, a headteacher and headteacher representatives, as well as a health practitioner, and a third sector representative. The group was able to bring a range of perspectives to the guidance, and drew on their wide experience of engaging with different groups of Travellers in many different settings. A wider range of perspectives was captured through a public consultation. The guidance recognises that the contexts for delivering services for Travellers will vary widely between practitioners, schools, and local authorities and therefore signposts to many other sources of guidance and support.

Terms used in this Guidance

'Traveller/s' is used to refer to a number of different groups and communities with a mobile lifestyle and/or culture, when it would be onerous, or not possible, to list them individually. The intention is not to disregard the diversity in the history, culture and lifestyles of different Traveller groups (see the Scotland's Travellers subsection below), or suggest that all Travellers share the same experience of education and barriers to learning. Practitioners should always seek to understand individual circumstances.

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[1] The 'How Good is Our….' series has become a recognised brand which underpins effective self-evaluation as the starting point for improvement. There are several frameworks which are designed to be used to support self-evaluation and reflection by practitioners at all levels.

'School/s' should be considered to include primary, secondary and special schools and units, unless otherwise specified.

'ELC' or 'early learning and childcare setting' encompasses settings previously known as nursery classes, pre-school centres, day nurseries, community nurseries, nursery schools etc. and also now includes childminders.

'Parent/s' has been used to mean mothers, fathers, carers, and others with responsibility for caring for a child or young person.

Scotland's Travellers

The diversity of mobile communities' culture, history and lifestyles

Travelling communities in Scotland are not a single group. There are many different groups. Each is defined by its own history, culture and lifestyle. While each group is made up of extensive family networks, these may have little or no connection with other Traveller groups. Central to each community is its right to self-identity, and to be recognised and respected by the society it lives in. **The different groups may have very different educational experiences and outcomes but what they do share is family lifestyles, which are essentially built around a mobile tradition.**

Some Traveller groups, such as Scottish Gypsy/Travellers and European Roma, will be recognised in law as minority ethnic groups and are therefore afforded legal protection from discrimination on grounds of race under the Equality Act 2010.

When there is concern about use of terminology, or uncertainty about the Traveller group to which a family identifies, it is important to gain information through the family. Written references to Traveller groups should always capitalise the first letter, e.g. 'Gypsy/Traveller', 'Roma', 'Traveller' or 'Showpeople'.

Further information on the most common Traveller groups in Scotland is provided below. In addition, there are also regular seasonal Travellers in Scotland, such as Irish Travellers, who could also benefit from this guidance.[2]

European Roma - The recent enlargement of the European Union enabled the Roma to come to the UK from many new European Union countries such as the Czech Republic, Hungary, Estonia, Lithuania, Latvia, Poland, Slovenia, Slovakia, Romania and Bulgaria. Importantly, families will generally identify themselves first in national terms and then as Roma e.g. Slovak Roma or Romanian Roma.

Most families have travelled with the aim of finding work and to seek a good education for their children. The majority also seek to escape violence, racism and discrimination in their countries of origin. Roma are the most impoverished and marginalised ethnic minority in Europe with an estimated population of between

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[2] See also http://www.step.education.ed.ac.uk/project/travelling-communities-scotland/

10 and 14 million. [3] They are a very diverse group with many different national and ethnic subgroups.

Roma settle in large groups of extended family networks. Group pride is strongly related to the traditions that arise from specific trades such as horse traders and basket weavers. Key to any Roma family's economic and social survival is its strong sense of responsibility for all family members.

In the UK, Roma tend to be drawn to specific areas. For many families, being able to access better education for their children is one of the factors in the decision to migrate. They often have negative experiences of education in their home countries. Scotland's more inclusive system means they often find education a positive experience and therefore Roma children are more likely to attend school in Scotland.

Scottish Gypsy/Travellers identify themselves variously as Gypsy/Travellers, Gypsies, or simply as Travellers. Regardless of whether families currently live a mobile lifestyle or are 'settled' in a house, they continue to identify with the travelling community and have a strong commitment to the maintenance and development of their Traveller identity, lifestyle and culture.

Young people become part of the extended working families from an early age and assume adult roles and responsibilities. Gypsy/Traveller young people, therefore, may not easily adapt to the stark contrast of age-specific grouping in schools.

Scottish Gypsy/Travellers share many cultural features with European Roma communities, such as a belief in the importance of extended family bonds and family descent, a preference for self-employment, and a strong commitment to a nomadic lifestyle. Other cultural practices, such as the common preference to marry within the community, a choice many families make to withdraw children from school at an early age, or not engaging with formal education at all, were and are ways of maintaining their cultures and lifestyles as different from non-Traveller settled communities.

Showpeople bring fairgrounds to locations across the UK. Many Showpeople also travel further afield to attend European fairs. Wherever they travel there is an expectation that the whole family will contribute towards the life of the fair. Showpeople make up a business/cultural community who self-define in terms of their livelihoods. Showpeople's distinctive identity is built on their tradition of bringing entertainment and other services to local communities[4]. Scottish Showpeople share in this strong cultural identity and have a long, proud history of living and working in Scotland. Much of this business could not be conducted without a general education which explains why education has always been valued by the community and why Showpeople have such a long history of engagement with the Scottish education system. Nowadays, most families live on permanent yards, with many more or less commuting to fairs. For those that do travel during the summer months, the stable and predictable pattern of travel means that school attendance can be managed.

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[3] Roma families' engagement with education in Glasgow
[4] See http://scottishshowmensguild.org/ and https://www.sheffield.ac.uk/nfca

Social attitudes towards Gypsy/Travellers

I know Travellers who have …completely disassociated themselves with the culture entirely because they're terrified that they won't be allowed to get a job, they won't get into school. There's a huge issue of people not looking at other cultures, not looking at other ways of 'being'.

Young Gypsy/Traveller

The Scottish Government recognises that, as a group, Gypsy/Travellers experience widespread discrimination and marginalisation. The 2015 Scottish Social Attitudes Survey found widespread discriminatory attitudes towards Gypsy/Travellers. Although there were improvements in attitudes compared to previous years (2006 and 2010), Gypsy/Travellers were still subject to higher levels of prejudice than other groups.

The Survey included two sets of detailed questions relating to employment and personal relationships. It showed:

- 34% of respondents considered that Gypsy/Travellers would be unsuitable as primary school teachers
- 31% said they would be unhappy if a close relative entered into a long-term relationship with a Gypsy/Traveller

The portrayal of Gypsy/Travellers in the media can provide a stark reflection of the deep-rooted prejudices held towards this community. Amnesty International's research into media reporting of Scottish Gypsy/Travellers found that a significant number of articles, which appear in the print media perpetuate prejudicial views of Scottish Gypsy/Travellers. Similarly, in 2016, Article 12 reported that 'a vast majority [of media articles] fell within the categories of negative, discriminatory and racist'. Such negative views and attitudes inevitably affect a Gypsy/Traveller's decision to self-identify, or not.

The above analysis relates to Gypsy/Travellers only. However, all Travellers, whether or not they are recognised as an ethnic minority in law, may be vulnerable to discrimination on the grounds of their identity or the discriminator's perception of their identity. Some may also experience discrimination related to their skin colour, appearance, language, or other factor.

The educational context

Given the background, context and evidence set out in this Introduction, it is clear that there can be tensions between the maintenance of a mobile tradition and culture and the need to ensure that the children and young people can access education. As mobility is an increasingly common feature in today's society, more and more children and young people are experiencing barriers to learning arising from the challenges associated with being mobile, such as multiple transitions, as well as the cultural differences which may exist between them and settled populations. The impact of such barriers can be heightened when parents have limited educational experience themselves. A partnership approach between families, authorities and

agencies is needed to overcome barriers to learning in order that Traveller children's rights, entitlements and potential can be realised.

In some local authorities and schools in Scotland, proactive efforts have been made to engage and support Traveller children and young people and their families, at times through a family learning approach. There is evidence of emerging and established good practice, some of which is included in this guidance. However, overall progress is slow and in some areas activity to support Travellers is limited. Without appropriate engagement and support, starting with our very youngest Traveller children and extending to the parents and family, educational outcomes for many Traveller children are likely to continue to be poor. This guidance is intended as a tool to support that improvement.

Right to education

Like all children and young people in Scotland, Travellers have rights to education under the United Nations Convention on the Rights of the Child (UNCRC). These rights have been incorporated in Scots Law under section 1 of the Standards in Scotland's Schools etc. Act 2000 which sets out the right of every child of school age to be provided with school education by, or through arrangements made by, an education authority. In carrying out their duty to provide that education, education authorities must under section 2(1) of that same Act secure that the education is directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential

It should be noted that separately, an education authority has a duty under section 1 of the Education (Scotland) Act 1980 to secure adequate and efficient provision of education in their area, regardless of whether the children are nationals of the UK or some other state. The parents of such children are also under an obligation through section 30 of the same Act to ensure their children are educated (whether at school or otherwise).

Further, in Scotland, education authorities are required to provide up to 600 hours of funded early learning and childcare for all children from three years old, and in some cases from two years old.[5] This is to expand to 1140 hours per year by August 2020.

Entitlements

Within Scotland's inclusive education framework, Traveller children, young people and their families have entitlements under:

- Curriculum for Excellence which provides the flexible framework to meet the needs of all learners
- A legislative framework of additional support for learning to help overcome barriers to learning

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5 Section 1 of the Education (Scotland) Act 1980 and Part 6 of the Children and Young People (Scotland) Act 2014. Information on eligibility can be found here: https://www.mygov.scot/childcare-costs-help/funded-early-learning-and-childcare/

- 'Getting it right for every child' (GIRFEC), the national approach based on children's and young people's rights which through partnership working supports the wellbeing of children and young people
- The Scottish Schools (Parental Involvement) Act 2006 which provides a range of duties on local authorities and schools to involve parents in their child's education and in the life and work of their children's school
- The new health and social care standards which describe what to expect when accessing health and social care services, and apply to ELC settings. Each of the standards are based on the same set of "principles" which are: dignity and respect; compassion; be included; responsive care and support; wellbeing.

Practitioner responsibilities

One young Traveller said that when he went to secondary school his father told him to do everything he could to hide his Traveller identity. "That was really hard for me at school. Travellers are really proud people and trying to keep that hidden is horrendous."

All teachers in local authority schools and grant-aided schools, and new teachers in independent schools, must be registered with the General Teaching Council for Scotland (GTCS). Also, from 1 October 2020, all existing teachers in independent schools must be registered with the GTCS. The GTCS Professional Standards for Teachers place Professional Values and Personal Commitment at their core. The first of these is Social Justice, which is particularly relevant as it involves:

- committing to the principles of democracy and social justice through fair, transparent, inclusive and sustainable policy and practices in relation to all protected characteristics, including race, and ethnicity
- valuing as well as respecting social, cultural and ecological diversity and promoting the principles of local and global citizenship for all learners

Standard 3.1.4 'Have high expectations of all learners' under Professional Skills and Abilities is also pertinent.

Headteachers also have specific responsibilities in relation to parental involvement, as set out in the Scottish Schools (Parental Involvement) Act 2006.

The Scottish Social Services Council (SSSC) registers staff working in ELC services and regulates their learning and development. Registration with the SSSC places a requirement on workers, and employers, to abide by the Code of Practice. The Code sets out clear standards of conduct and practice expected of workers in ELC including support workers, practitioners and managers/lead practitioners. It embeds the values of promoting diversity, respecting other cultures and non-discriminatory practice, and is a tool for workers and employers to use to help continually improve their practice. The Code lets people who use social services and carers know what they can expect from the workers who support them.

Parental responsibilities

Under section 30 of the Education (Scotland) Act 1980, parents and carers of school age children have a legal duty to provide their child with an "efficient education" which is "suitable to the age, ability and aptitude" of the child. In securing such an education, parents have a right to choose whether to send their child to school (whether a public or independent school) or to home educate. They should have regard to the child's views, as well as any additional support needs they may have, when making this decision. Parents will require consent to withdraw a child from school in order to home educate if the child is in attendance already[6]. Parents should expect to be informed and involved in their child's education under the provisions within the Scottish Schools (Parental Involvement) Act 2006.

Parents are not required to educate their children before they reach school age and early learning and childcare is an entitlement, not an obligation. Parents can decide whether or not to take up their 600 (soon to be 1140) hours, or how much of the entitlement they take up.

A partnership approach to education

All partners should have high expectations that all Traveller children and young people receive an education, enter the senior phase of the curriculum, achieve the four capacities, and go on to realise positive, sustained destinations. Partnership and collaboration are key to achieving improvements and realising this aim. A commitment to improving educational outcomes for this group extends to the Scottish Government, local authorities and schools. Partners, communities and families, working with a range of education providers, also have an important role to play in bringing about improvements. A range of partnership work, for example work set out in the Child Poverty Delivery Plan and Learning Together: A National Action Plan on Parental Involvement, Parental Engagement, Family Learning and Learning at Home, will be relevant here.

The educational experience – some evidence

This subsection presents evidence which demonstrates that some Travellers have poor outcomes and experiences in Scottish education. This data is for Gypsy/Travellers specifically, for the reasons explained below. However, we know from anecdotal evidence and wider research that some other Traveller groups may be similarly disadvantaged. However, we also know that some children and young people from other Traveller groups may have significantly *better* educational experience and outcomes than this evidence suggests.

A note about statistical evidence

The Scottish Government captures statistics for the ethnic group 'White Gypsy/Traveller'. In the analysis below, these statistics have been used to give an

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[6] Section 35 of the Education (Scotland) Act 1980

indicative picture of numbers of Gypsy/Traveller children in schools, their educational outcomes and other related factors. However, it is important to note that:

- There are many Travellers who attend school who, while fitting the description for the White Gypsy/Traveller ethnic group, would choose not to disclose themselves as such, to a greater degree than is common with other groupings.
- There will be many Travellers attending school who belong to a distinct Traveller group which cannot be identified through these statistics. For example it is impossible to identify Roma children and young people as a separate group through these statistics.
- Fluctuations in population and small numbers mean that year on year comparisons for the White Gypsy/Traveller ethnic group may not be fully reliable.
- Anecdotally, we know that some Traveller children and young people never attend school, but we have no statistics to measure this.
- Ethnicity data is not currently collected in ELC statistics, although plans for an individual child level data collection should mean that this will become possible in future years.

Scotland's White Gypsy/Travellers

Fewer Gypsy/Travellers aged over 16 have qualifications

- Gypsy/Travellers: 50%
- All adults: 73%
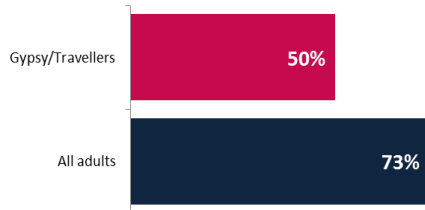
Fewer Gypsy/Travellers leave school with at least one qualification at SCQF level 3 or above

- Gypsy/Travellers: 76%
- All school leavers: 98%

Fewer Gypsy/Travellers progress to positive destinations

- Gypsy/Travellers: 75%
- All school leavers: 92%

More Gypsy/Travellers have an Additional Support Need (ASN)

- Gypsy/Travellers: 54%
- All school pupils: 27%
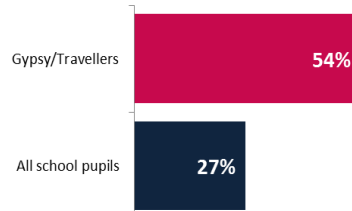
Gypsy/Traveller pupils have the lowest attendance of any ethnic group

- African/Black/Caribbean: 96.0%
- Mixed or Multiple: 94.0%
- Asian: 93.6%
- White-Scottish: 93.3%
- White Non-Scottish: 93.2%
- Gypsy/Traveller: 78.8%
- All pupils: 93.3%

Gypsy/Traveller pupils have the highest exclusion rate (per 1,000 pupils)

- Asian: 9
- White Non-Scottish: 19
- African/Black/Caribbean: 19
- Mixed or Multiple: 20
- White-Scottish: 29
- Gypsy/Traveller: 53
- All pupils: 27
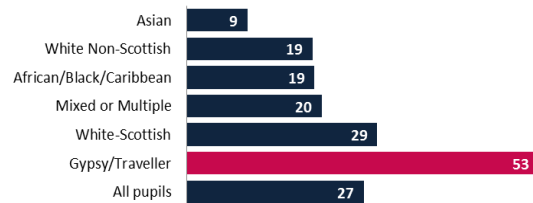
Sources: (Adult Qualifications) Scotland's Census 2011; (School Leavers and Positive Destinations) Summary statistics for attainment, leaver destinations and healthy living, No. 7: 2017 Edition; (ASN) Summary Statistics for Schools in Scotland, No: 8-2017; (Attendance and Exclusions) Attendance and Absence in Scottish Schools 2016/17

Achievement and attainment

"There are no inherent reasons why a child from a Gypsy, Roma or Traveller community should not achieve as well as any other child"[7]

As a group, Gypsy/Travellers' educational outcomes in terms of attainment and positive destinations are among the worst in Scottish education. A two year average from the 2014/15 and 2015/16 leavers' data, shows that:

- 74.6% of leavers recorded as 'White - Gypsy/Traveller' were in a positive follow-up destination, compared to 91.7% for all publicly funded secondary school leavers.
- 23.9% of leavers recorded as 'White - Gypsy/Traveller' left school with no qualifications at SCQF level 3 or higher, compared to 2.1% for all publicly funded secondary school leavers.
- 43.3% of leavers recorded as 'White - Gypsy/Traveller' left school with 1 or more qualifications at SCQF level 5, compared to 85.4% for all secondary school leavers.

An analysis of 2011 Scotland's Census data presents some important education variables for Gypsy/Travellers age 16 plus compared to the general population:

- 50% of Gypsy/Travellers aged 16 and over had no qualifications[8] compared to 27% of the population as a whole.
- Only 16% of Gypsy/Travellers held Level 4 or above (degree) qualifications compared to 26% of the population as a whole
- 38% of Gypsy/Travellers age 16-24 were full-time students compared to 46% of the general population in this age group.

Transitions and retention

Although it is not possible to obtain from published statistics the actual number of Travellers attending school (see 'a note about statistical evidence' above), the following table shows that the numbers of children and young people who are ascribed to the ethnic group 'White Gypsy/Traveller' enrolled in schools has increased since 2011[9].

	Primary	Secondary	Special	Total
2011	558	171	8	737
2017	840	266	15	1,121

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[7] Moving Forward together: Gypsy, Roma and Traveller achievement, Booklet 1, Department for Children, Schools and Families, UK, 2009
[8] See http://www.gov.scot/Publications/2015/12/5103/8 for definitions
[9] Fluctuations in population and small numbers mean that year on year comparisons may not be fully reliable. Changes in population numbers may also impact on number of children attending schools, but are not known for 2017.

It is not known whether the increase is due to a growth in the Gypsy/Traveller population in Scotland, or increased engagement with school education, or both.

Many Gypsy/Traveller children in school do not complete the broad general education (BGE) or progress to senior stage but are withdrawn at the end of primary school. Annex E provides transitions data for White Gypsy/Traveller pupils in publicly funded primary and secondary schools in Scotland. It includes data on changes in cohort size from P7 to S1 and through secondary school. It suggests a high drop-out rate between primary and secondary school, and that the decrease in cohort size between S3 and S5/6 is much bigger for Gypsy/Traveller pupils than for all pupils.

Anecdotal evidence also indicates that there are many Gypsy/Traveller children who do not attend school, either because they have been withdrawn to be home educated or because they have always been home educated. However, data which would allow us to assess the extent of home schooling for Gypsy/Travellers, or any Travellers, is not collected nationally.

Attendance

There is a correlation between attendance and attainment. Pupils with the lowest rates of attendance demonstrate the highest rates of underachievement.

In Scotland, overall, school attendance rates have remained relatively stable in the last few years, increasing from 93.1 to 93.7 per cent between 2010/11 and 2014/15 then decreasing to 93.3 per cent in 2016/17. However, White Gypsy/Traveller pupils enrolled in school continue to have the lowest attendance rates of any ethnic group at 78.8% in 2016/17 compared to the 93.3% Scotland average. It follows that Gypsy/Traveller children and young people, and other mobile children whose attendance is irregular, are missing out on time in education compared to other children.

Bullying

Scotland's anti-bullying service, respect*me*, report that Gypsy/Traveller children and young people are a particularly discriminated against and marginalised group and concerns about bullying are especially acute for secondary schools[10]. Perceived risks about bullying and parents' own experiences of discriminatory behaviour may lead to low levels of enrolment and poor attendance for Gypsy/Traveller children and young people, as well as early exit from formal education. Other Traveller families, such as Roma, may have similar concerns.

Exclusions

In Scotland the rate of exclusions continues to fall for all local authority pupils – from 33 per 1,000 in 2012/13 to 27 per 1,000 in 2016/17. While exclusions for Gypsy/Travellers have also fallen over the same period, from 58 to 53 per 1,000

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[10] See also http://www.step.education.ed.ac.uk/wp-content/uploads/2015/08/GLGMcC-article.pdf

pupils[11], they remain higher than the overall Scotland figure. Research in England reported that "Gypsy/Roma boys and girls of Irish Traveller heritage were the ethnic groups most likely to experience exclusion from school, and boys in these groups were twice as likely as girls to be excluded".

Additional Support for Learning

2017 data shows a relatively high percentage of Gypsy/Travellers recorded as receiving additional support for learning at 54% of pupils compared to 27% for all other ethnicities combined. This compares to 51% and 25% respectively in 2016.

Rates of additional support needs (per 1,000 pupils) for most common reasons for support

Reason for support	Gypsy/Travellers	All school pupils
Interrupted learning	242	5
Other moderate learning difficulty	119	41
Social, emotional and behavioural difficulty	99	58
Family Issues	85	20
Other specific learning difficulty (e.g. numeric)	79	32
Language or speech disorder	54	24
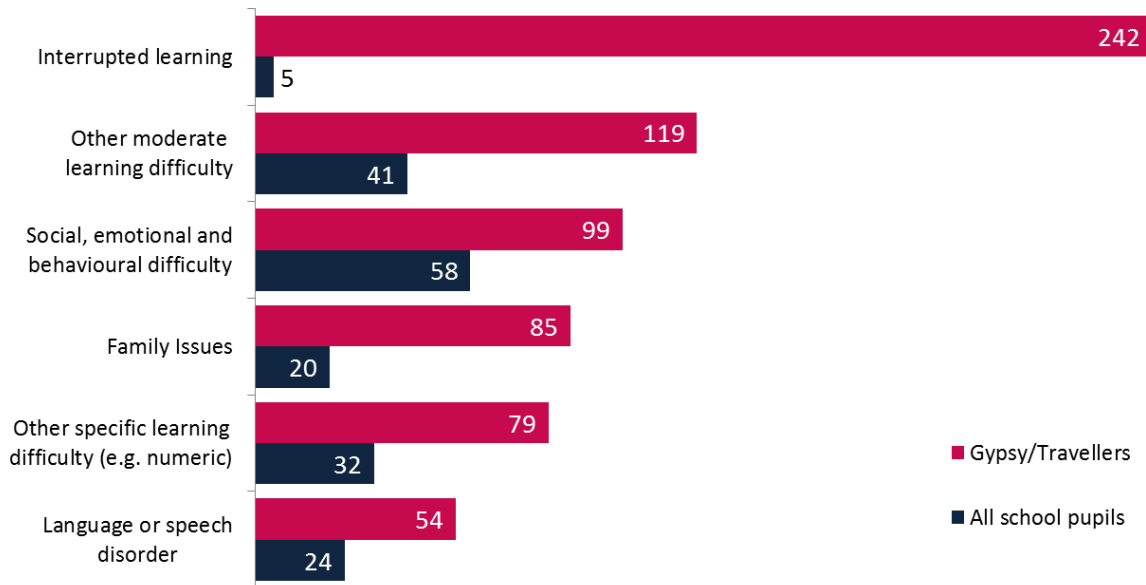
Source: Summary Statistics for Schools in Scotland, No: 8-2017

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[11] Fluctuations in population and small numbers mean that year on year comparisons may not be fully reliable. For example, one or two pupils being excluded numerous times could account for the difference.

Section 2. Leadership and Management

How good is our leadership and approach to improvement for the education of Traveller children and young people?

This section aligns with existing policy and guidance to illustrate where leaders and managers can improve outcomes for Travellers. It is recognised that those working most closely with Traveller families have the greatest opportunity to build and sustain relationships, and therefore much of this guidance is directed to schools.

Where appropriate, reference is made to the Leadership and Management Quality Indicators (QIs), How Good is Our School 4 (HGIOS4). This section is organised around the following headings and sub-headings:

- Local authority strategic leadership and management
- Leadership and management in schools
- Leading improvements in schools
- Self-evaluation for self-improvement – using intelligence and data to measure impact on learners
- Leadership of learning and staff development
- Management of resources to promote equity

Local authority strategic leadership and management

By adopting an ethos, culture and values which demonstrate a strong commitment to inclusion and diversity, a local authority will provide a good grounding for supporting Travellers in schools. To meet their legal duties under the Equality Act 2010, and in line with their public sector equality duty (PSED), local authorities should assess and review, and if necessary revise, all policies and practices which will impact, directly or indirectly, on the education of Traveller children and young people[12].

Local authority policies, guidance and systems for which Traveller needs should be considered include:

- Attendance
- Getting it right for every child (GIRFEC), including Named Person arrangements where these have been put in place
- Parental *involvement* in the life and work of their child's school, and parental *engagement* in their child's education and learning
- Support services such as home/link workers
- Curriculum, assessment and improvement activities
- Inclusion

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[12] See The Equality Act 2010 and The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012

- Additional support for learning, including EAL (English as an additional language) services
- Relationships and positive behaviour, including anti-bullying, attendance and exclusions
- Nurturing approaches
- School admissions/ enrolment/ placements
- Early learning and childcare provision
- Home education
- Community learning and development/ family learning
- Children Missing from Education (CME)
- Translator arrangements
- Digital Learning
- SEEMiS (School management information system)
- [Planning and reporting](#) on the duty to reduce pupils' inequalities of educational outcomes as a result of socio-economic disadvantage under the Education (Scotland) Act 2016
- Children's services plans
- Equality and diversity

It may be necessary to involve a range of partners in developing education and related policies that will support Travellers, particularly where families have no history of engaging with schools. Effective leadership and partnership working is likely to involve: health, social work and housing services; community groups; community learning and development teams; the third sector; and Traveller Education Network ([TENET](#))[13] partners. The more diverse and broad the partners, the greater the chance that the voice of Traveller children and their parents will be brought to the discussion.

Also, education authorities are encouraged to work together at a strategic level to address topics of regional significance relating to Traveller education. For example, by sharing intelligence on Traveller mobility patterns and working together, local authorities may be able to better plan for pupil moves, for example by allocating reserved places in advance where appropriate.

Practice Insight

A local authority with a large number of European Roma families in one local area, established a strategy group led by a member of directorate and including: a Quality Improvement Officer; headteachers of all local schools; Head of EAL Service; and appropriate representatives of other services. The strategy group is a forum for raising local issues relevant to these families, and members work together to find local solutions. For example, the group has developed a local procedure to ensure school placement does not pose a barrier to families enrolling their children in school.

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[13] TENET is a formal forum, supported and administered by the Scottish Traveller Education Programme (STEP) with Scottish Government funding. It is a professional learning community dedicated to the education of all mobile communities, including Show families and European Roma.

As part of the cycle of planning and review, SEEMiS (School management information system) data can be used by local authorities to drive improvements. For example, where data indicates that few Travellers who attend primary school transition to secondary school, local authorities are encouraged to work with the local secondary schools to explore patterns of transition and plan for improvements. It is important that each local authority has, and shares with schools, appropriate procedures for using SEEMiS to record data for Traveller pupils, despite the challenges that mobility can pose for the system.

The use of an evidence base to drive improvements is particularly relevant in light of the requirements of Education (Scotland) Act 2016 where education authorities must have due regard to the need to reduce pupils' inequalities of educational outcomes as a result of socio-economic disadvantage and a duty to report progress. The associated National Improvement Framework and Improvement Plan supports this work.

Finally, but very importantly, local authorities need to consider, strategically, how they manage resources to support the improvement of educational outcomes for Travellers. Decisions around allocation of resources, including staff, to support projects or schools to improve equity should to be evidence based, systematically monitored and regularly reviewed by the local authority to ensure that Travellers are not disadvantaged. Resources for professional learning and continuing professional development for local authority and school staff, in particular senior management teams, will be a consideration here.

Leadership and management in schools

A school's leadership team, and particularly the headteacher, has a fundamental role in raising and improving the achievement and attainment of children and young people from travelling cultures as well as raising the expectations and aspirations of parents and families from these communities. They should seek to understand, and then take action to mitigate, circumstances which might negatively impact a Traveller's learning.

A key aspect in engaging travelling communities in education is recognising the value of diversity and ensuring that equality and social justice are addressed in all aspects of the school's work. To effectively lead improvements in Traveller education, school leaders need to create the conditions in their school for change, ensure that their aspirations are well understood by all involved, and lead the school to continually improve. School senior management teams should recognise and support leadership at all levels within their school community.

Schools and ELC settings should not assume that they have no Traveller children or young people on their roll or in their catchment area. Authority education colleagues who belong to the Traveller Education Network (TENET) and housing colleagues are likely to be aware of Travellers in the local community. Subject to information sharing protocols, Health or other partners may also be able to advise.

From time to time, school leaders may need advice, information and support from colleagues in relation to specific matters. Annex B provides a summary of resources and support available.

Leading improvements in schools

The media frequently represents Traveller lifestyles negatively and, as a result, some travelling families can feel that they are wrongly branded with media-generated stereotypical behaviours such as crime, low hygiene and care standards, and even child neglect. Some Travellers can view any direct involvement by services – and this may sometimes include education services – as an unwelcome intrusion into their private lives. The following section sets out ways in which school leaders can work to build relationships with Travellers which are based on trust.

An inclusive school ethos

> 'We are committed to ensuring that we achieve the highest possible standards and success for all learners…..Our vision evolves through ongoing reflection and debate across the school and community……These are shaped by our clear understanding of the social, economic and cultural context in which children, young people and their families live alongside our awareness of current policy and practice. Through effective leadership at all levels, our community works together to turn the shared vision into a sustainable reality.'
>
> From Section 1.3, Leadership of change – Developing a shared vision, values and aims relevant to the school and its community, How Good is Our School 4 (HGIOS4).[14]

Improvement must start with 'developing a shared vision, values and aims relevant to the school and its community'[15]. With strong leadership and vision, schools can create a positive, inclusive culture and ethos which creates a safe and welcoming place for all Traveller children to learn, develop and thrive. Improvement plans should clearly support an inclusive experience for children and young people from Traveller communities.

Practice Insight

For one inner city secondary school in Glasgow, supporting the Travelling and Showpeople community over an extended period of time has seen them build positive relationships with these families. This is considered a significant factor in raising the achievement and attainment of the young people and led to an increase in the number of young people from this community moving into further and higher education. The school has developed a variety of approaches and support which include:

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[14] HGIOS4 and HGIOELC are designed to promote effective self-evaluation as the first important stage in a process of achieving self-improvement.
[15] HGIOS4 Section 1.3

- extra support for the children and young people when they return from a period of travel to enable them to catch up with their course work
- ensuring access to the curriculum during periods of travel by providing work to the family when they are traveling
- using a range of technologies to provide and assess work and maintain a connection with the school and the teachers

In addition, the young people and their families who benefited from intensive literacy support provided by the school in previous years are now able to support the learning of the next generation of children and grandchildren.

At the heart of an inclusive school ethos is an understanding of children's rights. This is fundamental in the organisational context and for any professional working with children and young people. School leaders will want to consider how they promote and support children's rights within school and within the curriculum, particularly in relation to global citizenship (see also the Curriculum subsection in the Learning Provision Section). The practical tool the Common Core of values and practices focuses upon establishing respectful and meaningful relationships between children and those supporting them, and can be helpful in developing effective relationships with Traveller communities.

Policies and policy development

The school's policies and procedures bring the vision, values and aims alive. By developing policies which recognise and address the concerns of different Traveller groups and the particular barriers to inclusion they may face, schools will demonstrate that school leaders are serious about the aims they have set. Schools should involve Traveller pupils and their parents in developing policies and should adapt approaches to pupil participation and parental involvement and engagement to meet the particular, and varying, needs of Traveller families. See the Pupil participation subsection, below, and the Learning Provision section, particularly the subsection Involving Traveller families in learning, for guidance on engaging with Traveller families.

Some policies may be particularly relevant. For example, research shows[16] that, for Gypsy/Traveller children and young people, concerns about safety and previous experience of discriminatory behaviour, including parents' experiences, are negative factors which may lead to low levels of enrolment and poor attendance, and may affect transitions. Concerns about bullying are particularly acute for secondary schools. In schools, Gypsy/Traveller families are likely to therefore benefit from the reassurance of a clearly developed **anti-bullying policy** which strongly promotes equality, makes clear that all forms of discrimination are challenged, and sets out what actions to take, including who to approach, should bullying happen. The national anti-bullying service respect*me* can provide support to schools to review, formulate, implement and evaluate anti-bullying policies, and can also provide

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[16] Derrington, C. (2005). Gypsy Traveller students in secondary schools: perceptions of behaviour and patterns of exclusion. *Journal of Research in Special Educational Needs*, 5 (2), - 55-61

training. In early learning and childcare settings, a developmentally appropriate approach to relationships will be more fitting.

Respect for All, the Scottish Government's National Approach to Anti-Bullying for Scotland's Children and Young People, now has a greater focus on prejudice-based bullying. The updated (2017) guidance is clear that organisations must monitor bullying incidents. It sets out what information school recording systems must include, such as any underlying prejudice or protected characteristics, to help organisations identify recurring patterns and encourage early intervention. Supplementary guidance on recording and monitoring of bullying incidents in schools, to be read in conjunction with Respect for All, was published in 2018 and the school management information system, SEEMiS, updated.

"Travellers have a great sense of justice and have high expectations around respect for others."

Primary School Teacher

Given the impact of interrupted learning and extended absence from school due to travel, policies and approaches to **enrolment, transition and attendance** may impact Traveller children disproportionately. Scottish Government guidance Included, Engaged and Involved – Part 1: Attendance in Scottish Schools (2007) provides specific guidance on managing authorised absence for Traveller children and wider guidance on promoting good attendance (note that the guidance is due to be updated in winter 2018). STEP provides advice about keeping in touch with children and young people and their families during periods of mobility, including advice on supporting learning during these periods to enable continued learning and engagement. (See also the Learning Provision subsection on Transitions.)

Similarly, given the relatively high proportion of Gypsy/Travellers excluded from schools, and the negative impact of exclusion on educational outcomes, for some Travellers policies around **positive behaviour and exclusion** will also be important. The national guidance Developing a positive whole-school ethos and culture: relationships, learning and behaviour (2018) encourages the development and implementation of school policies which promote positive relationships and behaviour through whole school approaches. Also, the revised guidance Included Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions (2017) guides schools to consider contributing factors, including protected characteristics, when making decisions related to exclusion. For example, that guidance is clear that staff should reflect on the triggers which may have led a Traveller young person to act in a challenging way and then put in place a plan of strategies to support positive behaviour.

Considering the needs of a range of Travellers during development and review of policies and approaches provides a significant opportunity to impact *positively* on the education of Traveller children and young people. Leaders should also routinely measure the impact that their policies have on their Travellers' learning experiences. (See also subsection Self-evaluation for self-improvement.)

> "Our nurture programmes have been age and stage appropriate and really supported our boy Travellers who often feel they can't discuss their feelings. It has contributed to their positive feelings about school."
>
> Primary Headteacher

Pupil participation

School leaders should ensure effective arrangements for the promotion of children's voice or pupil participation in all aspects of the life and work of the school. Traveller children should be supported to understand what their participation rights are and why it is important that they are listened to and have their views taken seriously. By supporting pupil participation, school leaders will be realising a right under the UN Convention on the Rights of the Child (UNCRC) for children to have their voices heard in decisions that affect them. By providing Traveller children and young people with real opportunities to share and discuss their individual and collective life experiences, schools will be better placed to support them, through school-wide policies and, in terms of personalised learning and providing for additional support needs, as individuals. Leaders will also learn how Traveller pupils and their families can contribute to the school community.

How Good is Our Early Learning and Childcare and How Good is Our School 4 enable reflection on learner participation. The Children and Young People's Commissioner for Scotland (CYPCS) 7 Golden Rules for Participation will be useful to those working with Travellers as they help the children and young people tell adults about things that are important to them.

Getting it right for every child

Getting it right for every child is the national approach in Scotland to improving outcomes and supporting the wellbeing of children and young people by offering, if needed, the right help at the right time from the right people. Getting it right for every child requires services to work together and in partnership with children, young people and their parent(s) to support children and young people's wellbeing.

Under the Getting it right for every child approach, making available a clear point of contact or 'Named Person' ensures that there is someone identified who can help children and young people get the support they need, if and when they want it. They are also a clear point of contact for parents should they wish to seek advice or if they wish to discuss a concern about the wellbeing of their child.

Named Persons are also a point of contact for other services if they have concerns about a child's or young person's wellbeing. Working in partnership with children and young people and parents, this helps to ensure services can provide more effective support by being better coordinated. Generally the responsibility for providing a Named Person service lies with the NHS board before the child starts primary school, and the local authority or the independent school which they attend once the child is of school age.

It is recognised that Traveller children often have a non-standard use of the universal services of health and education, and in some cases can experience difficulty

accessing services. For this reason, local authorities may need to give particular consideration to arrangements to make a Named Person available to Traveller children while they are living in their area. These arrangements should be responsive to the needs of children and families where ever they are in Scotland, and sensitive to cultural diversity and difference. Specific considerations may apply in respect of Traveller children, depending on the nature of their engagement with services and their pattern of residence and travel.

Practice Insight

A primary school invited two Traveller parents and their children to a meeting to contribute to the development of the school's anti-bullying policy. A member of the local secondary school staff (a depute headteacher) also attended. As a result, a section of the policy was dedicated to teachers taking positive action against race-related (specifically Gypsy/Traveller) bullying through whole class sessions. The Traveller parents felt that the school understood their concerns, that they were being listened to and that their contribution was valued. It also engendered positive relations with the secondary school, therefore contributing to the possibility of positive transitions.

Practice Insight

A headteacher's tips for enrolling new Gypsy/Traveller children:

- On the first visit provide a tour of the school led by the school's key contact person for day-to-day contact with Traveller pupils and their families. Introduce the child's teacher and the headteacher if available. This will help the parents and child feel included, part of the school, straightaway.
- Let parents know what documents you need to formally enrol the child – birth certificates etc. – and ask them to let the key contact person know of any problems in supplying the documents. Staff should support families through this process, particularly where the enrolment requires a tailored approach.
- Provide support to parents during enrolment, for example by offering to fill in the form for them if they would like to tell you the information. Do this sensitively. For example, to save embarrassing a parent with limited literacy skills say 'If you just want to tell me the information, I'll fill in the form if you would like'.
- Ask if the Traveller already knows someone in the school community – a parent of a child already at school for example – and consider if their acquaintance can help in some way to support the transition into the school.
- Don't be tempted to visit a Traveller site or a Traveller's home without an invitation. Although this would be done with good intentions, this may be considered intrusive and is potentially counter-productive.

"Success for us has been welcoming the travelling family into our community, making contact from the beginning."

Primary Headteacher

- How effective are our processes for involving local families from mobile cultures in the ongoing review of our vision, aims and values, school policies and approaches to communicating with parents?
- Do we consider the needs of children from travelling cultures in our approach to pupil participation and learner voice? Do we provide purposeful, participatory opportunities in all arenas of school life? Do we use participatory approaches to encourage relations that are equitable?
- How effective are the links with other agencies and people (e.g. social work services, local health board, Family Learning Professionals, CLD (Community Learning and Development), Traveller Education Network (TENET)) in engaging and addressing the needs of Traveller communities, including families where children are not at school?
- How well do we seek out and respond positively to potential partnerships which will lead to better outcomes for the children and young people we work with?
- How effectively are incidents relating to racial discrimination acted upon to ensure lessons are learnt and prevent future occurrences?
- Are staff up to date with processes for travelling communities and are our systems regularly reviewed?

Further information

- The report Improving Outcomes for Gypsy, Roma and Traveller Pupils sets out six constructive conditions which appeared instrumental in impacting positively on education to improve outcomes
- respect*me*, Scotland's national anti-bullying service
- Respect for all - the National approach to anti-bullying for Scotland's children and young people, SG 2017
- Supplementary guidance on recording and monitoring of bullying incidents
- Included, Engaged and Involved Part 1: attendance in Scottish schools
- Included, Engaged and Involved Part 2: a positive approach to preventing and managing school exclusions
- Education Scotland Engaging parents and families: A toolkit for practitioners
- Education Scotland Working with the travelling Showmen community
- STEP leaflet Let's talk about bullying

Self-evaluation for self-improvement – using intelligence and data to measure impact on learners

'The most important thing is being able to demonstrate impact in relation to improved outcomes for your learners. To achieve this you must continuously track and monitor children and young people's successes and achievements and use your self-evaluation to identify where your school is performing well and where it could do better. Weaknesses in these outcomes are usually the result of weaknesses within the learning provision or leadership and management, and often both. Where outcomes are either not improving or deteriorating, you need to take swift action.' HGIOS4, 2015

How Good is Our School 4 (HGIOS4) and How Good is Our Early learning and Childcare (HGIOELC) provide guidance on supporting and developing effective self-evaluation. To understand how to impact the educational outcomes for children and young people in their schools, school leaders need to ensure that self-evaluation, supported by robust analysis of a range of intelligence and data, is the norm and that all staff recognise and actively participate in this approach to continuous improvement. Only by drawing on intelligence will schools be able to answer the questions 'how are we doing' and 'how do we know' which are key to self-improvement and then go on to decide 'what are we going to do now?' The National Improvement Framework and Improvement Plan, aimed at achieving excellence and equity in Scottish education, provides schools with new and better information to help identify where improvement is needed.

Annex C sets out some examples of data and intelligence which are likely to be key to improving outcomes for Traveller children and young people, as well as some reflective questions to help with its analysis. This data and intelligence will be useful for the senior management team, but it is also important that teachers and other staff draw on it. It can inform improvements and help measure the impact of changes.

By way of example, data analysis can be used to support improved attendance. Where data highlights poor attendance which cannot be explained by family mobility, schools should explore the reasons behind the attendance pattern with the pupil and parent. Once the causes are understood, schools can work with the pupil and family to support improved attendance and address any other concerns. Schools should critically review any of their own procedures which may be impacting negatively on attendance levels. Early intervention to address declining attendance is particularly important for older Traveller children and young people who may be at greater risk of disengaging. Effective tracking, monitoring and analysis procedures which are backed up by school leaders and local authority policies will support such work. Schools should ensure they adapt communications about absence to suit Traveller parents who do not speak English, have limited literacy or have other barriers to communication or engagement.

"My attendance isn't very good but I am getting better at it now because I am in a special dance class. They are in the morning so I miss if I am late."

P6 Traveller

Included, Engaged and Involved Part 1: Attendance in Scottish Schools provides useful guidance around follow-up on absence.

SEEMiS and record keeping

There is flexibility within SEEMiS (the school management information system) to record periods of travel for Traveller children and young people. Schools need to support administration staff to understand and follow local authority procedures to ensure data is accurate and up-to-date. Travellers need to have confidence in the accuracy of the information held by the school at any time and particularly at the point of transition. This becomes increasingly important when families are highly mobile and opportunities for planned transitions limited. Authorities will need to identify clear systems for sharing information with receiving schools and authorities.

Schools should note that:

- Pupils can be registered on SEEMiS with two schools at the same time. For example, some families arrange for their children to enrol in a 'base school' for part of the year and take authorised 'Extended Leave with Parental Consent' for periods of travel. The children may temporarily enrol in other schools as they travel, and these schools provide attendance and other data to the 'base school'.
- The correct SEEMiS code to use when a pupil is travelling for cultural reasons is code 24, see the Included, Engaged and Involved Part 1 guidance
- If there are child protection/wellbeing concerns for a child or young person who is travelling and their whereabouts are unknown and no communication has been made from the family explaining that they will be travelling for a period, Children Missing from Education (CME) procedures must be followed.

Practice Insight

A primary school headteacher identified an emerging pattern of some Traveller children not attending school on a Friday. The key Traveller contact member of staff established that some families thought it unnecessary to send their children to school on a Friday, as it was a half-day. Revising the week's timetable so that Friday mornings included creative activities which the Traveller children were known to enjoy, led to attendance rates improving significantly.

SEEMiS is used for schools and local authorities to record bullying incidents (see Policies and policy development subsection).

Reflection

- How effective is our communication with families around expectations?
- What range of data and information do we use to understand the social, economic and cultural context of the mobile cultures within our local community?
- How reliable is our evidence of impact on the learning of the pupils?
- How effective are our planning, recording and information transfer processes for children from mobile communities?

Leadership of learning and staff development

"It is important that schools develop a culture of cooperation between teachers, support staff, parents, carers, children and young people and the wider learning community. The strengths and assets of children and young people should be recognised by staff and an ethos of participation and decision making by young people seen as a core part of how the school is managed."

From Recording and monitoring of bullying incidents in schools: supplementary guidance, 2018

It is likely that many teaching and other staff may know little about Travellers and different travelling cultures and may have limited understanding of the barriers they can face in accessing an education, and consequently can lack confidence in

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engaging with Traveller pupils and their families. Leaders therefore have a responsibility to support *all* staff to develop their knowledge and understanding and help them recognise and fulfil their own role in improving Travellers' educational experiences. This is obviously important in schools with Traveller children, where staff who engage with Traveller children and their communities should be encouraged to develop their practice in leading learning in this area. It is also important in schools that do not seem to have any Traveller pupils. Improved knowledge and understanding will prepare staff should Travellers enrol (which may happen without notice) and may persuade existing Traveller pupils to volunteer their identity.

Training for staff, including core aspect for probationer teachers and induction and on-going training for non-teaching staff, needs to include awareness-raising around travelling cultures and to examine the challenges that schools and families face in developing positive working relationships. Some of the best learning will come from engaging with children and their families. For example, awareness-raising activities developed with Traveller children can be a positive and interactive way of sharing examples of Traveller cultures with other staff and children in the school, as well as with other schools in the local area. To enable them to support Travellers, teaching staff should be helped to develop their knowledge and understanding of relevant learning and teaching, family engagement in the classroom, managing distance and digital learning, and monitoring and assessment procedures (particularly during periods of mobility). For teachers, such Career-Long Professional Learning (CLPL) is consistent with the Social Justice element of the GTCS Professional Standards and the Professional Values and Personal Commitment core to being a teacher.

Headteachers need to ensure that the leadership of learning and staff development is a continuous process which is reinforced with positive role models. They should aim to: set clear expectations; support staff to develop relevant knowledge and skills; monitor and evaluate the impact of staff development interventions on Traveller pupils' progress and relationships with Traveller communities; and then adapt, repeat or reinforce staff development approaches as necessary. Regularly modelling positive and respectful engagement with Traveller parents, for example in the playground at the start and end of the school day, may be a simple but effective way for a headteacher to demonstrate their expectations of staff.

The need to support non-teaching staff in their understanding of Travellers should not be underestimated. Many Traveller families will get their first impression of a school from the office staff and effective relationships at the front desk can be fundamental to building relationships with parents and Traveller communities. It is essential that, in addition to building their knowledge of travelling cultures, office staff are supported to develop the skills, including interpersonal skills, to engage sensitively and diplomatically with Travellers.

Reflection

- How well do all staff understand their role and responsibility in supporting Travellers' wellbeing?
- To what extent do we critically engage with research, policy sources and developments in learning and teaching for mobile cultures?

Management of resources to promote equity

School leaders need to promote equity for Travellers through effective resource management. To ensure that resources are targeted to approaches which lead to improved, more equitable outcomes for Travellers, resource decisions should be evidence-based, systematically monitored and regularly reviewed.[17]

For example, schools may consider investing in learning resources to support Travellers and other children who need additional support. These could be resources to support EAL learners, resources known to help children quickly catch up on their literacy ability or digital resources which help children continue learning during periods of mobility. Before purchase, schools should look for research or other evidence, perhaps from other schools or local authority areas, on the product's effectiveness, or first pilot the product or approach themselves. The impact of different Travellers' lifestyles should also be considered. For example, resources which lack the flexibility to work around a pattern of interrupted education or different levels of English competence are unlikely to provide effective support for some Travellers. It may be critical too that when purchasing learning resources, schools invest in the appropriate associated staff training to ensure that the full benefits of such investment are realised.

Of course, not everything needs to have a financial cost and school leaders should consider how using their existing resources, including premises and staff, effectively and flexibly can support Travellers. For example, identifying a staff member to act as a key point of contact with Travellers can have significant benefits (see also Leadership of learning and staff development subsection). Schools should consider

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[17] Resources include Pupil Equity Funding which is to be spent at the discretion of headteachers/ school leaders working in partnership with each other and their local authority to close the poverty related attainment gap.

how the challenges faced by Traveller children and young people might impact on how they arrange and use the learning environment. For example, schools without existing nurture spaces should consider the benefits of creating a safe, quiet space for use at times when children are struggling to transition into a new school or just feeling unsafe. Such a space could also be used to support a 'soft start', helping a child prepare themselves for class if they have arrived late and/or in an anxious state.

> "The most successful area for us as a school has been the Performance Programme. Talents have been uncovered from singing and acting to dancing. Parents have made the effort to come in and see their child perform out with school hours and this has contributed immensely to the child's self-esteem and parents' experience of school life."
>
> Primary Headteacher

Also, school leaders can get involved in, or draw on the expertise of, Scotland's [Traveller Education Network](#) (TENET), a national professional network where ideas around management and resourcing are shared. Many Scottish education authorities encourage their designated Traveller education support staff to join TENET.

Practice Insight

One school has a number of families who travel so they can experience their culture and traditions meaning that they are often away from school between November and February. The school works hard to build positive relationships and good communication with their learners and families prior to, and during this time providing them with learning resources and extra support for catch up when they return. To further develop this support, Pupil Equity Funding will help deliver a new homework club for all children which will particularly support interrupted learners.

Reflection

- How effectively do we use our resources to meet the learning needs of children from travelling cultures and ensure equity?
- How reliable is our evidence of impact on the learning of the pupils?
- Do we need to adjust our learning to meet Travellers' needs, and if so, how?

Further information

- [Respect for all](#) - the National approach to anti-bullying for Scotland's children and young people, 2017
- [Included, Engaged and Involved Part 1](#): attendance in Scottish schools
- [Included, Engaged and Involved Part 2](#): a positive approach to preventing and managing school exclusions
- http://www.step.education.ed.ac.uk/tenet/
- http://www.step.education.ed.ac.uk/training-menu/

Section 3. Learning Provision

How good is the quality of the care and education we offer Traveller children and young people?

This section aligns with existing policy and guidance to illustrate where practitioners can improve outcomes for Travellers. Each subsection draws attention to issues where it can be common for some Traveller communities to benefit from support or positive interventions. Where appropriate, reference is made to the Learning Provision Quality Indicators (QIs), How Good is Our School 4 (HGIOS4). This section is organised around the following headings:

- Curriculum
- Learning, teaching and assessment
- Personalised support
- Involving Traveller families in learning
- Transitions

Travellers' perceptions of education

Most Traveller families can see the benefits of education to the future of their children and most will want to take advantage of the services schools can offer. However, some communities can find it difficult to participate in the school education system due to the differences between schools' and their own cultures. This means that schools and local authorities may need to put in place additional measures so that Travellers can experience easier and equitable access to education services. This is likely to involve working with the communities to gain an understanding of their cultural and employment aspirations.

Consideration should be given to the various barriers faced by Travellers who do not attend school as well as those already in education. By engaging with families, staff will learn how different Travellers can be supported to attend and therefore how education services might best be improved. Schools should have information on the mobile families in their community, regardless of how temporary their stay. There may be a need for interventions or partnership work with other agencies to establish initial relationships. Local TENET[18] members will be able to provide information and broker relationships.

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[18] See http://www.step.education.ed.ac.uk/project/find-a-contact/ and http://www.step.education.ed.ac.uk/tenet/

Curriculum

> "By 2030 ensure all learners acquire knowledge and skills needed to promote sustainable development, including among others through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development."
> UN Sustainable Development Goal 4.7

Curriculum design

The curriculum is all of the experiences that are planned to ensure that young people develop the attributes, knowledge and skills they will need for learning, life and work. Children and young people from Traveller communities have the same entitlement as all other pupils to a coherent curriculum that reflects their rights and wellbeing needs, as well as their cultural and future employment needs. To achieve this, schools will need to engage with and involve a range of stakeholders and agencies, including Traveller parents, children and young people.

This aim sits well with the concept and process of Learning for Sustainability, an approach to life and learning which enables learners, educators, schools and their wider communities to build a socially-just, sustainable and equitable society and supports learners to acquire the knowledge and skills to support human rights, global citizenship and cultural diversity (see Annex A).

The guidance document Promoting Diversity and Equality – Developing Responsible Citizens for 21st Century Scotland' considers good practice examples across the four contexts of Curriculum for Excellence. It demonstrates how support is essential to remove barriers that might restrict young people's access to the curriculum because of their circumstances and illustrates how to make provision for diverse groups including Travellers.

Practice Insight

A local authority Gypsy Traveller Education Group (GTEG) provides a bespoke educational provision for secondary school age young people living in, or travelling through, their area. The work began over a decade ago with a teacher from a local secondary school meeting Traveller pupils for 1.5 days a week. The approach was noted as an example of excellence at an HMIE inspection, and grant funding was sourced for a full time promoted post, after which it was mainlined in the council's budget, and shared between two teachers. GTEG operates with youth workers out of community premises and pop-up sites across the local authority 2.5 days a week.

GTEG offers individual learning programmes covering literacy, numeracy, health and wellbeing, and employability needs. The young people can access a wide range of subjects and awards, including SQA qualifications, to develop skills for learning, further education, life and work. Some young people also attend day release college courses. The GTEG team provide advice and support to education staff and professionals across all sectors to ensure that children and young people who attend school are also supported.

Learning pathways

Traveller families will benefit if they can see the value and relevance of the 3 -18 Scottish curriculum as well as the positive impact on their children's outcomes of continuity and progression in their education. Children and young people should also understand the value of what they are learning and its relevance to their lives, now and in the future. Learning pathways support the child or young person's journey through their education and the choices made within the pathway help to develop existing skills and knowledge. Schools should be flexible and support young Travellers to select courses and qualifications that will improve their outcomes and prospects for employment, and flex the curriculum for younger Travellers too. All Travellers should experience learning that:

- recognises and values prior experiences, particularly those skills which have been gained from their cultural and family based experiences
- provides access to a range of opportunities which will support their skills development needs
- supports the development of an appropriately challenging and achievable progressive learning pathway designed to meet their needs
- are appropriately challenging and enjoyable and well matched to their needs and interest
- includes opportunities for appropriate tracking and monitoring

"I have been taking travelling children to outdoor residential settings for a number of years and they have been great examples to the other children in terms of taking on the challenges with confidence; they often become the natural leaders of the group."

Primary School Teacher

Schools should set clear and high expectations for all Traveller pupils, which, used in conjunction with teacher judgement, should inform learning pathways. There will be a need for shared systems to show where Travellers have missed stages in learning due to interruptions.

Pathways should recognise cultural skills and strengths; it is not unusual for some Travellers to excel in some curricular areas while experiencing difficulties in others creating what might be called a 'jagged' profile of learning and achievement. Schools will need to use the flexibility of the curriculum to support Travellers to achieve to the best of their ability in all curricular areas[19]. This will mean supporting them to progress and reach their full potential, without imposing artificial limitations in curricular areas in which they excel. This is particularly important where Travellers may not make the transition to secondary school or the traditional route to further or higher education. Where gaps in learning are identified, Travellers' learning is known to accelerate quickly with appropriate short-term support.

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[19] See for example the Scottish Network for Able Pupils' 'Snapshot 11: High Ability and the Travelling Community'

Skills for Learning, Life and Work

Significant to learning pathways is the work of the [Developing the Young Workforce](#) (DYW) programme which is seeking to ensure all young people are developing employability skills as part of their learning from the early years onwards. A key aim is closer partnerships between schools, colleges and employers to ensure opportunities for learning are available to meet the needs of all young people, including Travellers, who can then leave school with the work-related skills, qualifications and experience that equip them for their next step, whatever that is.

Appropriate Senior Phase planning, together with involvement with families, will help sustain post-school participation in learning, training and work. The careers service in schools should use a blended approach that offers people the chance to tailor their support levels and ensure those most in need of in-depth help can access it easily. Career services within schools should facilitate links between schools, colleges and employers, including DYW Regional Groups, where required.

An important aspect of Developing the Young Workforce is starting careers advice and guidance earlier in schools. The Careers Education Standard aims to improve the careers support school pupils receive, introduce those services earlier in school and embed careers information and guidance within Curriculum for Excellence. All pupils, regardless of age and stage, will have the opportunity to learn about the world of work and possible career pathways. This can be particularly important for Travellers who do not progress to secondary school.

Skills Development Scotland (SDS) recognise that Traveller children and young people may need enhanced careers support, in and after school. SDS aim to deliver careers information advice, guidance and employability support through a person-centred, coaching approach which recognises, and adapts to, individual needs. For example, careers guidance for Travellers may need to take into account family business opportunities for Travellers, and should also recognise that extra support might be needed for young people who want to pursue post-school pathways which are unfamiliar to the family or community. It is important that career information, advice and guidance is accessible for Traveller families and young people.

The DYW Work Placements Standard are helpful in supporting young people in making their career choices by providing relevant, challenging, enjoyable and appropriate learning experience within the workplace; and the DYW guidance on School/Employer Partnerships provides information on how collaborative partnerships can help improve young people's understanding and readiness for employment. All the DYW Standards and guidance have a strong equality focus and may be very relevant in supporting Traveller young people.

> It will be the responsibility of all partners to address the issue of equality. While this standard is expressed as a universal entitlement for young people to gain experience of work, it needs to be clear that not all young people enjoy the same advantages, nor face the same challenges. Their backgrounds and circumstances must never limit their potential and all partners will seek to develop practice which ensures improved outcomes for all young people. All stakeholders involved in any work placement should provide advice, guidance and opportunities that contribute to:

> • eradicating discrimination; and
>
> • promoting mutual respect and equality of opportunity across genders, social background, disabilities, ethnicities, sexual orientation and religions.
>
> From Developing the Young Workforce Work Placements Standard September 2015

Vocational qualifications

Offering Senior Phase opportunities for accreditation across different forms of vocational learning can match the aspirations of Traveller communities and the young people themselves. Colleges have an important role to play here not least in supporting learners at risk of disengaging from learning,[20] or those who have already disengaged. Vocational qualifications such as Foundation Apprenticeships can help young people gain valuable, real-world work experience and access work-based learning while they're still at school. See also the 'Transitions' section for information on post-16 transitions, including Modern Apprenticeships.

"The first time he came home with something he had made himself was remarkable … it's not something that his family would have known how to make."

Gypsy/Traveller mum of boy attending college course

Activity agreements

Activity Agreements and Educational Maintenance Allowance (EMA) may also help Traveller young people continue learning. Activity Agreements provide one-to-one Trusted Professional support and a tailored learning plan aimed at (re)engaging young people in learning and training beyond school with a view to ultimately progressing toward and into employment. A trusted professional can provide consistency required to build relationships both with the Traveller young person and their families, and if needed, could act as a local authority link for families to access wider employability support.

Practice Insight

Some secondary schools have done specific work to promote positive destinations for Roma young people. One school organised a careers event for parents and young people from BME groups, including Roma. The aim was to motivate and encourage these young people to widen their horizons by introducing them to the range of opportunities available to them and explain the support they could get. There were information stalls from employers, colleges and advice and guidance agencies, such as Skills Development Scotland, covering apprenticeships, college courses, work placements, and more. Interpreters were provided so that everyone could access fully all information.

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[20] http://www.collegedevelopmentnetwork.ac.uk/projects/curriculum-teaching-and-assessment/developing-the-young-workforce/

- How do you ensure Traveller young people and their families are well supported to engage with careers services?
- Have you ensured the right partnerships and support is in to help Traveller young people participate in learning, training and work on leaving school?

- [The 15- 24 Learner Journey Review](#)
- [How the Activity Agreement approach can support flexibility and choice in the development of Curriculum for Excellence senior phase learning and pathways.](#)

Learning, teaching and assessment

Learning and engagement

Just like all children and young people, children and young people from travelling cultures are likely to demonstrate higher levels of engagement when they understand how their educational achievements can help develop knowledge and skills for future employment. As some children may come from families where there is no tradition of schooling, or where parents have had negative educational experiences, it will be important to emphasise how the curriculum is personalised to meet the individual needs of each learner. To sustain motivation, learning activities should be appropriately challenging and enjoyable and matched to the learner's interests.

Where Traveller children have periods of interruption it will be important that aspects of school life remain constant. Recognition of familiar elements such as school timetables and personal learning intentions will enable them to gain confidence quickly in returning to class learning.

Careful consideration of the range of learning activities and approaches will ensure that the curriculum builds on, and promotes, Traveller young people's learning strengths and their culture and lifestyle. The following features are identified as being motivational, inspiring and relevant to their learning needs:[21]

- **Cultural relevance** - Young people and their families need to understand the connections between their learning and its future value. Activities based around active and outdoor learning such as integrating problem-solving and the construction of natural and synthetic materials provide useful starting points for learning, as do entrepreneurial activities such as setting up small businesses, integrating numeracy, literacy and communication skills.
- **Leadership and ownership** - Opportunities to make use of planning and leadership skills learned from an early age within the Traveller community, including leading learning and taking an active role in the school community.

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[21] An investigation of family literacy programmes for Scottish Travelling communities and European families. STEP, 2015 http://www.step.education.ed.ac.uk/research/

Young people are also concerned that they have a 'voice' and that their views are listened to and acted on.

- **Flexibility** - Travelling communities need flexibility in both the content and processes of school education. Unpredictable travelling patterns will need additional levels of flexibility. Schools will need to consider how education can be delivered in terms of time, space, contexts, facilitators and forms of delivery.

- **Creativity** - Opportunities for creative learning in the arts and also in cross-curricular settings are felt to be motivational, perhaps also as Travellers are known to feel challenged by subject-specific boundaries. Creativity is known to arise when activities are presented in a permissive and game-like way.[22] Research cites[23] four conditions for schools to pursue when planning creative learning activities:
  - giving pupils assignments that extend over a significant period of time and address central themes in subjects to foster investigative work;
  - teachers emphasising both process and product, and providing ample opportunity for research, experimentation and revision to foster inventiveness;
  - encouraging pupils to integrate production with perception and reflection to foster the ability to use models;
  - giving pupils opportunities to assess their performance and to get feedback on explicit criteria from peers and teachers to foster the capacity for self-assessment.

- **Accessible formats** – The use of several modes or methods (multimodal) should provide alternative and accessible ways of learning. Information and communication are more effective when they take a range of formats, including audio, visual, textual, material and virtual. Activities should offer choice and be appropriately challenging, matched to a range of higher order skills, needs and interests and not restricted by literacy levels.

"Travellers bring richness to our school. They are skilled story-tellers and are proud of their heritage."

Primary School Teacher

Practice Insight

Although very willing to learn and gain qualifications 'diving in' to formal learning can be daunting for some young Gypsy/Travellers. To address this, the organisation Article 12 in Scotland developed a set of bespoke qualifications for young people – Article 12 Achievement Awards [ATTRAs]. These are delivered at their home site and designed to start young people on the road to achievement by developing their natural skills, introducing new skills, and recognising progress. The awards, which progress through 3 levels, include a combination of tasks which can be tailored to

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[22] Runco, M. Creativity, *Annual Review of Psychology* Vol. 55: 657-687 (Volume publication date February 2004)

[23] Lindstrom , L. Creativity: What Is It? Can You Assess It? Can It Be Taught?, *International Journal of Art & Design Education* Volume 25, Issue 1, 21 Feb 2006

match the young person's interests and aspirations, and can be completed at the participant's pace. As young people progress through the ATTRA levels, receiving a certificate for each award, they grow in confidence and look forward to new challenges.   The experience of these awards has supported some young people to return to school or to gain SQA qualifications delivered on site, such as the Core Skills Unit, Problem Solving, Level 4.

Reflection

- To what extent is our school an inclusive learning environment for children and young people from travelling cultures?
- How well does our curriculum planning meet the needs of children and young people from travelling cultures?
- Are there further opportunities for flexibility in the way we provide education which will benefit Travellers?

Digital Learning

If used appropriately and effectively, digital technology can enrich learning and teaching across all parts of the curriculum[24]. In recognition of this, the Scottish Government has published a Digital Learning and Teaching Strategy for Scotland. The strategy contains a number of national level actions and local level expectations centred around the following objectives:

- develop the skills and confidence of educators in the appropriate and effective use of digital technology to support learning and teaching
- improve access to digital technology for all learners
- ensure that digital technology is a central consideration in all areas of curriculum and assessment delivery
- empower leaders of change to drive innovation and investment in digital technology for learning and teaching

Taken as a whole, the actions and expectations outlined in the strategy will help to ensure that all learners in Scotland can experience an education enriched by digital technology.

Digital technology has numerous benefits for learners from travelling cultures and can support them in the following ways:

- Education can be delivered through digital devices and online platforms. Research shows that most Traveller families have access to digital devices, however, these devices are rarely used for educational purposes. Schools therefore have an opportunity to support families to use their existing digital devices to access educational content. Apps, websites and games can all support mobile learners in this way[25].

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[24] http://www.gov.scot/Resource/0048/00489224.pdf

[25] See for example http://www.step.education.ed.ac.uk/young-people/

- Digital technology can provide a catalyst and a mechanism to work with parents to identify relevant learning plans for their children. Family support is seen as a key success factor in maintaining children and young people's engagement in learning while travelling.
- Digital technology offers a way for learners to stay up to date and communicate with their teachers and school friends. Schools can utilise digital platforms such as websites, blogs and forums to keep mobile learners informed and engaged with the work of the school.
- Schools and learners can access a range of up to date digital tools and services through Glow, Scotland's nationally available digital environment for learning. These tools and services are available free of charge and can be accessed from any internet enabled device. There is therefore significant potential for Glow to support Traveller learners who cannot attend school regularly.

"I looove technology! I would diiiie without it!"

Traveller young person

Digital technology also offers opportunities to educators in understanding how best to support learners from Traveller communities. For example:

- Local authorities can form clusters and work with Traveller Education Network (TENET) colleagues to share materials on digital platforms that are known to be effective in engaging Traveller learners.
- Digital platforms such as forums, online TeachMeets and MOOCS (massive open online courses) can support a range of career long professional learning opportunities for classroom teachers and school leaders. These opportunities can focus on how best to support the education of learners from Traveller communities.

Reflection

- Are there further opportunities to use digital delivery of learning and teaching to reach Traveller pupils?
- Can technology support better communication and engagement with families?

Practice Insight

A programme implemented by secondary school in Wales targeted Occupational Traveller families and used digital technology to support continuity of learning during periods of travel. Pupils were provided with laptops with Wi-Fi access for periods of mobility. A staff member maintained email contact and ensured that completed work in all subjects was forwarded electronically, to agreed deadlines.

The programme allowed the students to maintain continuity in learning and contact with friends. This was invaluable in ensuring a smooth return after long periods of absence. On the whole, the strategy was considered a success. On account of the successful impact of the pilot on pupils' achievement and social skills, the school planned to make similar provisions for all other pupils from Occupational Traveller families in the future.

"This student is now about to start a further education course and can't envisage post-16 learning without having a laptop and internet access."

FE Tutor

"Having the laptop has involved (the father) in supporting schoolwork for the first time ever!"

Mother of a young Traveller

Effective use of assessment

The National Improvement Framework for Scottish education has been introduced to help all children to achieve their full potential. It highlights the importance of gathering and sharing accurate information and, essential to this, are the new national standardised assessments which aim to support high quality teaching and learning. Evidence from the assessments will be shared openly with parents to enable them to engage more effectively in their child's learning. The consistency of approach across all local authorities in Scotland should be supportive of mobile pupils.

Assessment is integral to the planning of learning and teaching. Where young people have interrupted learning, it can be challenging for staff to ensure that their learning is assessed regularly. However, teachers and school leaders need to ensure that targets are reviewed when learners return from travel, and that they take quick action where progress slips.

Teachers should ensure that they assess a wide range of sources and celebrate achievements, particularly in skills that are valued by the different Traveller communities, enabling parents to understand the value of the continued progression of their children's learning. There should be opportunities for dialogue with parents across the school year. Schools can demonstrate the processes used to share learning intentions and chart achievements. Visual methods such as charts and visual timetables will be particularly engaging for some Traveller families.

Practice Insight

An inner-city primary school is proactive in its efforts to celebrate the Showpeople community. The achievements of children from the community are recognised and commended, for example the skills for life and work which the children develop when they are travelling and supporting their community at fairgrounds.

Members of school staff are invited to attend the annual 'Showman's Guild lunch' and take with them 8 children who share their experiences of being at school and network with members of their wider community and family. This is seen as a very positive experience for all involved.

Reflection

- Does the school have effective assessment systems in place to identify the needs of the children and young people from travelling cultures?

Practice Insight

A primary school with a high population of Travellers living in the catchment hosts "House Coffee Mornings' several times a year. Parents, families and friends are invited to meet a section of P1-7s in an informal environment and hear about their attainment and achievement. All achievements are equally valued – from dance performances to citizenship activities. Staff are available to provide additional information. Where families do not attend, staff and other members of the school community will engage with learners to share their successes.

Further information

- [Education Scotland, Embedding Inclusion, equity and empowerment](#)
- [Education Scotland, Supporting Learners - legislation, policies, strategies and frameworks](#)
- [Education Scotland - Supporting learners – from early years to positive, sustained destinations](#)

Personalised support

The curriculum should respond to individual needs and support particular aptitudes and talents of all children and young people, including those from the Traveller community. Delivering the entitlement to personalised support will require individualised planning and possibly support to overcome barriers linked to a learning environment that is not, whether the family is mobile or not, easily described as "Traveller friendly". Following periods of interruption teachers will need to be continually responsive, often providing one-to-one support and teaching at the point of learning.

Supporting learning underpins the delivery of the curriculum for all children and young people and it is the responsibility of all practitioners and partners to deliver this universal entitlement within their own teaching environments. The level and

support required will vary from child to child, but all children and young people should;

- have frequent and regular opportunities to discuss their learning with a key adult who knows them well and can act as a mentor, helping them to set appropriate goals for the next stages in learning
- be involved as active participants with planning and reflecting on their own learning and development through assessment, evaluation and personal learning planning
- be able to identify and plan opportunities for their progress and achievement, in and outwith school
- receive support for barriers to learning they may experience

To improve educational outcomes, practitioners will need to consider carefully how they deliver these entitlements for Travellers. For example, a Traveller's key adult will need to understand the cultural background and the challenges this may pose as well as the particular benefits and opportunities it may provide.

Examples of practice are given in the following table:

Individual support entitlements	Examples of practice to support children and young people from travelling cultures
Review learning and plan for next steps	To support interrupted learning, schools and class teachers should: • share tracking and learning information • provide a learning log/profile • provide curriculum work, which can be completed out with school • moderate and assess the curriculum work
Gain access to learning activities, which will meet individual needs	Ensure that the curriculum is accessible for the children and young people from travelling cultures. This could take the form of: • engaging with families to enquire about access to digital devices at home • maximising the use of digital media through the use of teaching and learning resources that connect home and school • maximising the use of freely accessible software – share information with the family e.g. text recognition software, learning apps, GLOW • identifying most appropriate methods for communication such as sending and receiving course work
Plan for opportunities for personal achievement	Recognition of achievements/attainments gained within the travelling culture, for example: • experiences gained within the family business • sporting activities – martial arts, dancing, boxing • cultural activities - musical, art, creative writing, storytelling
Prepare for changes and choices and be supported through changes and choices (including transitions)	Provide timely support for transitions and course choices. Sensitive and well planned support may be required to support the child and family transition from P7 to S1 and beyond school.
Schools working with partners	Flexible and shared educational placements. For example, some Traveller children and young people are being supported with their learning by community learning officers and the catchment school is supporting them with SQA accreditation.

Practice Insight

An inner city primary school celebrated the problem-solving and construction abilities of young Travellers when creating a set for the annual school performance. Several Traveller children took leadership roles in the design and construction of the set and one of the Traveller parents also offered support, providing a positive link with the community. The parents expressed their pride in their children's achievements and they felt that their contribution was meaningful and valued. The initiative also encouraged a large number of the young people's families to attend the school play performance further supporting community cohesion.

Additional Support for Learning

All children and young people need support to help them learn and develop but, where there is a particular barrier to learning, some children will need extra help to benefit fully from school education. For a variety of reasons, Traveller children may require additional support. National statistics show that, compared to all other ethnicities combined, Gypsy/Traveller children and young people are twice as likely to be recorded as having additional support needs. The Education (Additional Support for Learning) (Scotland) Act 2004, as amended, provides the legislative framework for providing support. It requires education authorities to identify, provide for and review the additional support needs of their pupils and, in line with the Getting it right for every child approach, requires that the support offered is individualised, appropriate, proportionate and timely.

To enable schools to deliver the additional support for learning that some Traveller children and young people may require, schools should develop flexible, targeted support[26] which could be at any point of their learning journey or, for some, throughout the journey, and which takes into account the Traveller's culture. 'Targeted' support is usually, but not exclusively, delivered by staff with additional training and expertise. In a primary school the support will be coordinated by the Senior Management Team and in a secondary school, by guidance/pastoral care/pupil support staff. In both settings those involved could be:

- EAL (English as an additional language) services
- Specialist pupil support teachers (support for learning)
- Community Link Workers

Targeted support for individual Travellers should ensure opportunities for more choices and more chances to achieve positive, sustained post-school destinations. Targeted support recognises the additional needs which requires highly personalised approaches to be considered and which meet the needs of the young person.

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[26] See 'Meeting additional support needs' diagram under para. 31, Chapter 3, of the Supporting Children's Learning Code of Practice (Third edition)

Practice Insight

For some European Roma young people who are new arrivals in secondary schools, access to the curriculum can be a real challenge because they need to develop their skills in English and often also in literacy. One EAL Service has designed a pack to develop phonics skills in older learners, supporting them to develop their literacy skills in an age appropriate context. A range of resources allow them to study aspects of the mainstream curriculum while simultaneously developing their phonics and literacy skills.

In the senior phase, young people can be presented for SQA ESOL[27] qualifications from National 2 – Higher. This means there will be an appropriate level for all learners, from those who are new to English and literacy to those who need a qualification in English to access further or higher education. At senior phase, European Roma young people who are recent arrivals should have an individual pathway that includes appropriate ESOL qualifications and other areas of study that reflect their ability and aspirations. This requires flexibility and individual planning, involving the young person and their family.

"I get help with my reading and I am getting really good at it. Before I didn't want to come to school because it was too hard but now it is easier."

P5 Traveller

Reflection

- How effective are our approaches for Traveller children and young people to ensure that there is effective curriculum planning and opportunities for their entitlement to support?
- How do we know if support is having the desired impact of improving outcomes for children and young people from travelling cultures?

Further information

- Supporting Children's Learning Code of Practice
- Enquire - the Scottish advice service for additional support for learning
- Learning journey: A celebration of gypsy/traveller communities in Scotland

Involving Traveller families in learning

Travelling families and their children's learning

Some Traveller parents have traditionally viewed the education of children and young people as the responsibility of the extended family. In this case, many parents will have no experience of school education and can view schools as 'threatening' formal institutions. Some Travellers believe that the family can provide

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[27] English for Speakers of Other Languages

adequate socialisation and education, which also supports their concerns over community cohesion and security.[28] However, it is a misconception that all parents undervalue learning.[29] There is evidence to suggest that many parents, particularly mothers, increasingly believe there is value in school educating their children.[30] [31]

What can schools do?

The Scottish Schools (Parental Involvement) Act 2006 provides the legal framework to support and encourage parental involvement, to ensure that parents are supported to be:

- involved with their child's education and learning
- welcomed as an active participant in the life of the school, and
- encouraged to express their views on school education

The Act contains specific duties on both local authorities and headteachers to support parental involvement.

Some parents have traditionally resisted being involved in the life of the school or even expressing their views. This resistance can stem from forums, such as parent council meetings, appearing formal, intimidating and unfamiliar to their culture. It is therefore important that headteachers find ways to involve the entire parent community, not just the Parent Council, and in doing so consider both parental involvement (in the life and work of the school) and parental engagement (in their children's learning) as being equally important.

Learning together the National Action Plan on Parental Involvement, Parental Engagement, Family Learning and Learning at Home 2018-21, is important here. This joint Scottish Government/ Convention of Scottish Local Authorities (COSLA) plan, which has benefited from detailed input by the National Parent Forum of Scotland, includes goals and actions which set a national vision while allowing for local and community innovation and flexibility. The plan includes actions to tackle inequality by supporting the positive involvement and engagement of specific groups, such as Gypsy/Traveller parents.

Practice Insight

A Gypsy/Traveller Interrupted Learning Officer worked in partnership with a nursery teacher and Additional Support teacher from a local pre-school centre to run a mums and children's group. While one member of staff worked with the children on 'school readiness' activities, the others worked with mums to develop approaches to supporting their children's learning. Together they worked on developing shared

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[28] Ureche, H. and Franks, M., This is Who We Are: A study of the views and identities of Roma, Gypsy and Traveller young people in England, The Children's Society, 2007
[29] Lloyd, G. and McCluskey, G. (2008). 'Education and Gypsies/Travellers: 'contradictions and significant silences'', International Journal of Inclusive Education, 12, 4, 331-345.
[30] Bhopal, K. (2011) 'This is a school, it's not a site': teachers' attitudes towards Gypsy and Traveller pupils in school in England, UK', British Educational Research Journal, 37 (3): 465-483.
[31] http://scottishshowmensguild.org/elosite/Education.html

reading, environmental print awareness and everyday literacy. The mums built confidence in supporting their children while also developing relationships with staff and learning about the nursery and school curriculum. A positive outcome was that two of the mums enrolled their children in nursery where previously there had been reluctance to engage in mainstream provision.

Practice Insight

A primary school's experience was that many Roma parents found it difficult to engage in the life of the school. Many wanted to be more involved but lacked confidence and understanding of how they could support their child, and many felt disempowered in having a say in the life of the school. To support parents, the school planned a programme of family learning to encourage them into school and, in an informal way, join in with their children's learning through a variety of sessions, clubs and activities.

The most successful part of this programme has been the "Cook Book Club". This has given children who are new learners of English practice in speaking and manipulating the English language, and has also given their parents the opportunity to learn English in a setting in which they feel comfortable. Views gathered by the school from children and parents show just how much they enjoy the club and the benefits it provides.

Traveller parents can also find supporting their children's learning challenging due to lack of confidence, subject knowledge, poor literacy or English language skills. Schools should be proactive in supporting family involvement and take appropriate practical steps to adapt and respond to the individual needs of parents. For example:

- Schools can provide opportunities for Traveller parents to meet teachers on a one-to-one basis to share information about classwork and help them to support their child in home learning – this will also establish relationships and build trust.
- Parents can be invited to contribute to planning the curriculum in ways that engage and motivate the parents. This is often best done by shaping opportunities around the priorities and interests of the parents rather than via an overly formal or structured input. This may involve "peer discussions" and the opportunity for parents to share information or artifacts that represent their Traveller culture. Parents will feel that their culture is valued and that their child is respected in the class.
- Schools should develop strong partnerships with community, third sector and any other stakeholder groups who may already be delivering support to parents through other programmes such as family learning, ESOL (English for Speakers of Other Languages) and adult learning.
- Parents should be reassured that previous knowledge and skills learned within the community will be valued and used as a foundation for the child's future learning.
- Schools should be mindful that school-home communication may be best done through a phone call or a chat at the school gate as parents may be unable to read written communication. For those unable to understand

English, oral and visual communication approaches can be used as well as well as translated information leaflets.
- Schools should explore creative approaches to learning, which build on their local travelling communities' strengths and invite parents to become involved.
- Arrangements should be in place to respond promptly and fully to any concerns raised about the relationships, sexual health and parenthood education programme, and these should be proactively shared.

When good relationships and trust have been established, schools may be in a position to support the parents' own learning and development, which in turn will help them support their child's education. They can offer advice about adult literacy classes, family learning programmes, parenting groups, digital learning or English courses for speakers of other languages, and signpost the range of support agencies in the wider community.

A tailored community learning programme for Gypsy/Travellers under the Child Poverty Delivery Plan 2018-22 is planned to deliver on-site adult learning to improve parents' literacy and numeracy so they can support their children's learning. The programme also includes specially tailored play and early learning opportunities for pre-school children and their parents, as well as support for older siblings not attending schools.

Practice Insight

Roma parents and children from two primaries and one secondary school in Glasgow were supported to create a film to describe their experiences of beginning school. The parents speak in their native language with subtitles provided in English. Some of the mums offer practical advice about enrolment procedures or the structure of the school day, for example. Others describe the range of ways that the school can support them, such as finding them an interpreter to help with accessing health or other services. Some of the older children describe their experiences of secondary school. The film promotes the benefits of education, particularly by showing the young people's aspirations for their future. It can be viewed here: http://www.step.education.ed.ac.uk/project/project-4/

Reflection

- In what ways is the family support we provide encouraging young people to learn?
- How are we ensuring that our provision is responsive to the needs of Traveller families?

Further information

- Scottish Schools (Parental Involvement) Act, 2006
- Learning together: Scotland's National Action Plan on Parental Involvement, Parental Engagement, Family Learning and Learning at Home 2018-21
- Education Scotland Engaging parents and families: A toolkit for practitioners
- Education Scotland Engaging parents and young people from Gypsy/Travelling communities through an alternative education provision

- A '[genogram](#)' can be a useful visual tool to help display a family network and relationships that go beyond the traditional family tree
- [Learning journey: A celebration of gypsy/traveller communities in Scotland](#)
- [Supporting Children's Learning Code of Practice](#) – Particular [Chapter 7](#), Working with Children and Families
- [Supporting Traveller Family Literacy,](#) STEP, 2015
- Scottish Traveller Education Programme (STEP), A <u>factsheet</u> for parents about the law and education
- [Enquire's Parents' Guide](#)
- [National Parenting Strategy](#)
- [Parentzone guidance for Travellers](#)

Transitions

The times of transitions into, within and beyond education are particularly critical to the success of education for Travellers. Due to the need for family involvement, the barriers are similar to those set out in the preceding sections and can include low parental literacy, low family value placed on schooling, and concerns about bullying and safety.[32]

> **Practice Insight**
>
> In one local authority, schools welcoming New Scot's families have produced a welcome and information booklet for children and families which contains basic information and pictures of staff, locations in and around the school and a picture and name of the child's class "buddy", completed with the consent of all involved. This is then translated into Arabic and given to the child and family. This could easily be adapted for any language and would also provide a pictorial support for those with little or emerging literacy skills.

Transitions can be negatively affected by a Traveller's cultural beliefs at various different school stages. For example, the time of transition between primary and secondary school is usually the time when young Gypsy/Travellers are taught traditional skills within the extended family and so school can be seen as unnecessary. Parents may also have concerns about their children starting secondary school knowing they will need permission to withdraw them once enrolled.[33] This can create a culture of withdrawal from primary schools around primary 6 or 7. Reversing this trend by enhancing transitions from primary to secondary school might be expected to have a significant impact on improving family attitudes to secondary schools.

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[32] For research detail and the literature see '[School transitions and mobile communities - What the research says',](#) STEP, 2015

[33] Statutory guidance states that consent is not needed from the local authority to withdraw a child at this stage in their schooling – see section 3.24 in the Scottish Government's [Home Education Guidance](#)

Transitions into early learning and childcare can similarly be impacted by culture. For example, some Travellers may view mothers as failing in their maternal roles if they put their young children into pre-school education.

In recent years there has been a trend for young Gypsy/Travellers who have left formal education at the end of P7, to seek access to education and qualifications around age 14 to 15. In these cases, most young people bypass schools and approach further education (FE) colleges, Community Learning and Development teams or local authority outreach services. Supporting young people back into education after several years' absence from school learning can be challenging for professionals. Quality Indicator '5.2. Fairness, equality and diversity' in the evaluation resource How Good is the Learning and Development in Our Community will be particularly relevant here.

Early learning and childcare transitions

The first transition that children experience might be the transition into ELC. A positive ELC experience is particularly important to Traveller families as this might be the first time that parents have engaged with the education system since their own experience. Building the Ambition includes guidance on the importance of transitions, as well as the different type of transitions that young children in ELC experience. Settling in periods are often used to help with the transition. There is often more interaction with parents when a child first starts ELC, as well as at drop off and pick up time. This provides an opportunity to engage positively with parents.

Before the transition to ELC, families may benefit from support to understand their options. Research shows that trusted relationships are key in improving uptake[34]. Health visitors often play an important role in making families aware of their entitlement to ELC – particularly those who are eligible for 2 year old places. Given the importance of these personal contacts, local authorities may wish to continue to promote awareness among professionals likely to have contact with eligible families and supporting them to promote the provision effectively.

Since the implementation of the Children and Young Peoples (Scotland) Act 2014 local authorities have a duty to consult with families about the ELC provision and to develop provision to meet local need. This consultation can also be used to understand barriers to uptake. Many local authorities been developing more flexible options for ELC. Families are increasingly able to access different types of provision according to their preference – including childminders or 'stay and play' sessions, which might be of more interest to families who feel uncomfortable leaving their child in a more formal setting.

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[34] https://beta.gov.scot/publications/drivers-barriers-uptake-early-learning-childcare-amongst-2-year-olds/pages/6/

Practice Insight

Building on the success of teenage education sessions at an on-site portacabin, one local authority set up a pilot programme to: encourage Gypsy/Traveller parents of younger children to share learning with their children; illustrate the potential in using technology for learning; and develop links with pre-school provision. Previously no children from the site had attended pre-school provision.

The facilitators visited families at home first to build relationships and provide information. The programme initially offered baking activities, then shared arts and craft activities, and, when parents' confidence increased, language development activities. Using their own i-pads the children walked around the site photographing their favourite objects in funny places. The images informed discussions with parents, and the children were supported to use storytelling apps to create audio stories and animations and characters.

The programme was extended through contact with the local pre-school centre. The headteacher visited the project to build relationships, and two children were enrolled in the school-based nursery.

Practice Insight

One local authority ran a pilot programme built on an established partnership between a Traveller site and the local primary school. The aim was to encourage parental involvement in children's learning, at school and home, and to build families' confidence in transitions to school.

The programme was delivered collaboratively between local authority staff, the P1 class teacher, and STEP. It ran for 5 weekly half hour sessions during which one practitioner worked with parents while another worked with the children. As parents gained confidence they also contributed to planning and delivery. A shared reading programme of literary activities developed which included, for example: reading at home with the child; activities around road signs, shops signs and food packaging; and exploring rhyme and song in literacy.

All the children involved made a successful transition to primary school. There were also improved levels of independent parental involvement linked to the strengthened relationship between them and the school.

School transitions

Most Traveller families will benefit from the same school transition strategies as others but they may need to begin earlier and they may require more family involvement and inter-agency support. Recent research suggests that to make smooth transitions, three levels of readiness are required: school readiness, pupil readiness and family readiness. The summary below should be relevant to all transitions, planned and unplanned, standard and non-standard, and between or within countries:

- **Pupil readiness** - Gradual familiarisation is the key to achieving school readiness for pupils from mobile cultures. Where most settled pupils will be

surrounded by a culture of going to the local school, some young people from mobile cultures may be the first in their families to attend school and may have to learn new social practices, behaviours, rules, and learning styles. Schools should aim to build gradual connections, for example by providing opportunities for pupils to meet staff and other pupils informally, arranging school-type activities, and rehearsing social practices. It will be important to show flexibility until the pupil is school ready. Similarly, transitions beyond primary should make meaningful connections by involving familiar people and resources.

- **Family readiness -** Parental involvement in transitions is essential. Positive relationships between the school and home will reassure pupils. Some parents and carers are likely to have heightened concerns about children's safety, social relationships and whether their children will be treated fairly. Open, consultative approaches – asking parents what would work best for them – will tend to work better from parents' perspectives. Schools can help by providing opportunities, well in advance of transitions, for parents to: tell them what they would like to know more about; meet staff; voice their concerns; and address specific issues. Parents should be invited to participate in the life of the school – this will demonstrate openness, trust, and a recognition of the value of Traveller family lives. Similar to family involvement, strategies might include: identifying skills and experience which parents could share; encouraging parents to support classroom activities and outings; and consulting on school inclusion strategies in formats that parents understand.

- **School readiness** - Many strategies can be adopted to improve the readiness of educational settings and prepare staff for engaging Traveller families. The readiness of an educational setting is achieved by adopting three key approaches:
    (i) a whole-school approach where schools adopt a clear transition framework, a positive culture, consistent teaching and relevant curriculum;
    (ii) outreach to improve and support family access and engagement with education;
    (iii) targeted programmes for early intervention, to foster school 'readiness' and target anticipated barriers such as family literacy.

Schools will need to ensure that transitions approaches are shared with previous or receiving schools and/or agencies who have been in contact with the child (such as health services). Receiving schools will need to reach out, promote a positive ethos and provide teaching and learning that are consistent, relevant and familiar. They will need to work with other schools and agencies to plan a curriculum where children and families can see the benefits of continuity of learning, building on their knowledge to the next stage (see Curriculum and Learning, teaching and assessment subsections). Schools should ensure that they pass on information about family-based learning and achievements so that they are valued and developed in the receiving institution.

"My mum was worried, my granny was worried, my whole family were worried, but I wanted to go."
"I felt that I wasn't going to fit in, but realise now that everyone else felt the same."

> "Granny tells my mum to keep me in school now because I am getting a good education."
>
> Gypsy/Traveller girl starting secondary school

Where schools or families identify that a Traveller child is likely to experience difficulties with the transition process (for example, because of bullying or racial discrimination, or social or emotional factors) the school should assess the extent of the support needs and prepare a plan to help ease the transition. In this situation the family may benefit from an integrated service approach. All partners, including the family, should agree responsibilities in supporting the transition process.

Practice Insight

In an area with a high Roma population, early in P7, the local primary schools identify any children who they think may have difficulty making the transition to secondary. The secondary schools identify a number of "ambassadors" who are S1 Roma young people who have made a successful transition from the same primary schools as those about to transition in. They visit the primary school to meet with the children and their parents. There are additional visits to the secondary school arranged for the children and their parents. This approach has been particularly successful when parents have been given a tour of the secondary school by Roma young people who are able to provide a first-hand account of the school in the parents' first language. Some parents have found it very reassuring that the school trusts young people from their community with this responsibility.

Practice Insight

A secondary school in Wales created a Transitions Council with representatives from each of the feeder primary schools and Year 5 pupils from the secondary. The staff ensured that there was representation from the travelling communities at each stage. The Council members were responsible for representing the concerns of their peers. They discussed issues such as bullying and isolation and it was the task of the senior pupils to assure the P6 pupils and build good relationships with them.

The Education (Additional Support for Learning) (Scotland) Act 2004 and supporting Regulations, and the Getting it right for every child approach, are central to effective transition planning and ensuring that Traveller young people can access the support they need. Education authorities have specific duties under the 2004 Act in relation to transitions. In the Additional Support for Learning Report to Parliament, 2014, Education Scotland identified the key features of successful transitions. This provides a useful guide for schools working with Traveller children and young people.

Reflection

- To what extent do our processes for involving children and families and other agencies ensure effective transitions for Traveller learners?
- To what extent does our curriculum provide opportunities for support and induction into the next stage of learning?

Practice Insight

A Scottish Traveller family were keen for their child to go to school. It was important to the family that the child did not have to begin school full-time as there was little experience of previous schooling. The family also had consistent health issues which made continuity of education challenging.

Working closely in partnership with the Traveller teacher and family, the school realised they had to adopt a more individualised approach to support this child's transition to formal schooling and offered part-time placement first. The school also offered additional visits so that the child could grow accustomed to the setting. The Traveller teacher engaged in one-to-one conversations with the child, and visited the school with the family. The school and Traveller teacher maintained regular communication with the family to keep the child and family informed and reassured.

Through the individualised, flexible and sensitive approach, the family was supported, and the pupil continues to attend school.

Post-16 Transitions

All young people are entitled to support in moving into positive and sustained destinations beyond school age. Some Traveller young people may need inter-agency support and bespoke approaches to help overcome potential barriers to successful transitions. The recently published 15-24 Learner Journey Review will in time help shape how we better support learners from travelling cultures to progress through the education system over this period.

Apprenticeships

In response to Developing the Young Workforce (DYW) recommendations, Skills Development Scotland (SDS) published its Equalities Action Plan (EAP) for Apprenticeships in Scotland in December 2015. The plan has a focus to increase the number of ethnic minority groups, as well as young disabled people and care leavers, entering apprenticeships and to tackle apprenticeship areas where there are gender imbalances.

SDS are committed to supporting individuals, such as young Travellers, who experience barriers to pursuing an apprenticeship after school. Their work includes supporting training providers to develop networks with under-represented groups and help them understand how barriers can be overcome. They also work with schools to explore Modern Apprenticeships as a vocational pathways option. All schools will have existing contacts with SDS through their careers contacts (see Skills for Learning, Life and Work subsection).

Where young people are not attending school, SDS have experience engaging with young people and their families on local authority sites. They take a local or regional approach, as appropriate, and can help broker relationships between Traveller young people and their families and apprenticeship providers.

Scotland's Employer Recruitment Incentive (SERI) is a specific intervention which encourages employers to recruit diversely into Modern Apprenticeships. The

incentive can benefit young people aged 16-29 years who fall within an eligible group including: Gypsy/Travelling community; a young person who was receiving additional support for learning in school; and a person with lower than SCQF Level 5 qualification. SDS supports training providers to develop networks with under-represented groups and help them understand how to support individuals, such as young Travellers, who experience barriers to pursuing an apprenticeship.

Further and Higher Education

The Scottish Funding Council (SFC) Outcome Agreements are a key vehicle through which colleges and universities remove barriers and support full participation and successful outcomes for all groups of learners in their community. The SFC are considering Gypsy, Roma and Traveller communities within their work around additional groups who may be 'at risk of not achieving their full potential, from aspirations through to successful outcomes and appropriate employment'.

Evidence from responses to a SFC questionnaire in 2017 showed that although few colleges or universities offer specific support to this group, some institutions had taken steps to support some Travellers. Examples included:

- encouraging schools to identify and nominate pupils from Gypsy/Roma/Traveller communities for participation on a suite of pre-entry programmes
- providing a named contact for Travellers, such as a Senior Widening Participation Development Officer
- working closely with the local authority to ensure that school pupils who have identified as Travellers receive support to transition to university; for example by always offering a meeting to discuss the support and guidance options available, and creating a personal learning support plan
- running a pilot event on a university campus for secondary school Traveller pupils, engaging inspirational Traveller role models as speakers
- in the absence of formal academic qualifications, helping with diagnostic testing to ascertain a Traveller's academic level and then supporting them onto the appropriate level of course

Schools can be proactive by approaching local colleges and universities about existing, or anticipated Traveller pupil populations and exploring opportunities which might appeal to, or be in demand by, some of these pupils.

Further information

- Transition for young people with additional support needs in the ASL Report to Parliament, 2013
- School transitions and mobile communities - What the research says, STEP
- Supporting transitions for mobile families, STEP[35]
- A stage by stage approach to transitions, STEP
- The Education (Additional Support for Learning) (Scotland) Act 2004
- Children and Young People (Scotland) Act 2014
- Supporting Children's Learning Code of Practice –Chapter 6 on Transitions
- The 15-24 Learner Journey Review

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[35] Includes further information on a transitions model and more practice insights, including those in a review of Scottish and International models of school transitions

Section 4. Annexes

Annex A. The policy and legislative context

Many national policies and frameworks contribute to the Scottish Government's vision for inclusion and support. A number of these are summarised here, alongside relevant legislation and the wider equality context.

The **Education (Scotland) Act 1980** requires that education authorities must provide adequate and efficient school education within their area.[36] The **Standards in Scotland's Schools etc. (Scotland) Act 2000** places education authorities under a duty to secure that the education provided by them is directed towards the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential.[37] In this way the Act incorporates in Scots law the right to education under the United Nations Convention on the Rights of the Child (UNCRC).

The Education (Additional Support for Learning) (Scotland) Act 2004 (as amended) introduced the broad and inclusive term 'additional support needs', that applies to children or young people who, for whatever reason, require additional support, long or short term[38], in order to help them make the most of their school education and to be included fully in their learning.

The legislation provides the statutory framework for identifying and addressing the additional support needs of children and young people who face a barrier, or barriers, to learning. It aims to ensure that all children and young people are provided with the necessary support to help them work towards achieving their full potential. It also promotes collaborative working among all those supporting children and young people and sets out the rights of children, young people and parents within the system. Further information on the functions and duties of education authorities can be found in the statutory guidance to the Act, The Supporting Children's Learning Code of Practice.

The provisions relating to transitions, as set out in the Code of Practice and the Additional Support for Learning (Changes in School Education) (Scotland)

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[36] Section 1 of the Education (Scotland) Act 1980
[37] Section 2 of the Standards in Scotland's Schools etc. (Scotland) Act 2000
[38] Section 1 of the Education (Additional Support for Learning) (Scotland) Act 2004,

Regulations 2005, may be of particular relevance to Traveller children and young people and their parents.

The Scottish Schools (Parental Involvement) Act 2006 sets out the role of parents in Scottish Education, in terms of their involvement in the child's school and engagement in their child's learning. The act identifies three areas of particular importance: Learning at Home; Home/School Partnership; and Parental Representation. The Scottish Government will shortly consult on proposed amendments to the 2006 Act aimed at strengthening, modernising and extending the Act. The legislation is accompanied by a strong focus on parental involvement and engagement within the National Improvement Framework and Improvement Plan, which provide the context for improvement at a school, local and national level. Local authorities are required to develop local parental engagement strategies which set out their approach to parental involvement/engagement across the council area. The Scottish Government will develop a national Action Plan on Parental Engagement during 2017/18.

The Equality Act 2010 prohibits discrimination and harassment based on 'protected characteristics' such as race in a range of settings, including school education[39]. It further places a public sector equality duty (PSED) on public bodies and certain other bodies which carry out public functions. Education authorities and managers of grant-aided schools are subject to the PSED, as well as the more specific requirements of the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 which are designed to assist those subject to the PSED in meeting their general duty[40]. Those subject to the general equality duty must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

As part of its work to deliver the PSED, in 2013 the Scottish Government publishes and reports on equality outcomes. The issue of inequality in education has been framed around three protected characteristics which evidence show need to be priorities, including race and specifically Gypsy/Travellers. Bullying was also identified as a key issue impacting on educational experience and outcomes. The Scottish Government published Equality Outcomes and Mainstreaming Reports in 2015 and 2017. Revised equality outcomes have been set for 2017-21.

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[39] The Equality and Human Rights Commission Technical guidance for schools in Scotland outlines the requirements of the Equality Act 2010 for schools in relation to the provision of education and access to benefits, facilities or services, both educational and non-educational.

[40] While the PSED does not apply to independent schools, they are subject to the other requirements of the Equality Act 2010, such as the prohibition of discrimination, harassment and victimisation on grounds of the protected characteristics.

The Children and Young People (Scotland) Act 2014 supports the Scottish Government's ambition for Scotland to be the best place to grow up. It seeks to improve the way services work together to support children, young people and families and ensure those children's rights are respected across the public sector. Specific duties embed the UNCRC within Scottish primary legislation (see also Children's Rights and Pupil Participation below). For example, part 1 (sections 2 and 3) of the 2014 Act places duties on public authorities, as defined at Schedule 1 to the Act, to report every 3 years on the steps they have taken in that period to secure better or further effect to the UNCRC. The first reports are due in 2020.

Part 3 of the 2014 Act places a duty on each local authority and the relevant NHS board to jointly prepare a children's services plan for the area of the local authority, covering a 3 year period. These plans should be prepared with involvement of the service providers capable of having a significant effect on the wellbeing of children. Plans should cover services for children generally and for children with specific needs (Traveller children could be considered as children with specific needs) and related services (services that aren't children's services but are capable of having a significant effect on the wellbeing of children).

The Education (Scotland) Act 2016 (the "2016 Act") includes a mix of measures covering education in Scotland and sends a strong signal of the value placed on ensuring that all children and young people receive the best education they can and achieve their full potential. The 2016 Act has a clear focus on narrowing the attainment gap and enshrines in legislation the Scottish Attainment Challenge and the National Improvement Framework (see below).

Getting it right for every child is Scotland's approach to promote and improve wellbeing to help children and young people thrive. It puts their rights and wellbeing at the heart of the policies and services that support them and their families – such as early years services, schools and the NHS.

Getting it right for every child empowers services and families to work better together to offer the right help at the right time, from the right people. That means all children and families have access to high quality support wherever they live or learn with access to a Named Person as a clear point of contact if and when they need it.

Getting it right for every child recognises that children and young people will have different experiences in their lives, but that every child and young person has the right to expect appropriate support from adults to allow them to grow and develop to reach their full potential.

Curriculum for Excellence (CfE) provides the curriculum framework for early learning and childcare settings and schools in Scotland. It is a flexible and inclusive curriculum with an increased emphasis placed on inter-disciplinary learning, skills development and encouraging personal achievement. CfE aims to foster four capacities in all young people: successful learners, confident individuals, responsible citizens and effective contributors. The curriculum comprises a broad general education up to the end of S3 followed by a senior phase of learning from S4 to S6. Of importance for Traveller pupils is that there is now much greater flexibility in how schools design their Senior Phase Curriculum. There is a range of different

approaches being adopted across the country, aimed at meeting the particular needs of learners in different areas.

The National Improvement Framework for Scottish Education outlines the Scottish Government's vision and priorities for children's progress in learning. The Framework and Improvement Plan will be key in driving work to continually improve Scottish education and close the attainment gap, delivering both excellence and equity. Over time, the Framework will provide a level of robust, consistent and transparent data, to extend understanding of what works to drive improvements across all parts of the education system.

The Scottish Attainment Challenge is about achieving equity in educational outcomes. Equity can be achieved by ensuring every child has the same opportunity to succeed, with a particular focus on closing the poverty-related attainment gap. This is set within the context of Curriculum for Excellence and targets improvement in the areas of literacy, numeracy and health and wellbeing.

There is evidence emerging through the Attainment Scotland Fund (which includes funding to Attainment Challenge Authorities as well as Pupil Equity Funding direct to schools) that action is being taken to ensure that children and young people in equality groups are provided with the support they need to benefit from the activities and interventions in place. Examples include investment in speech and language development, additional support for pupils who speak English as an additional language, and funding for educational psychologists, counsellors and nurture bases.

The Children and Young People Improvement Collaborative (CYPIC): Through the CYPIC, the Scottish Government are supporting local authorities, health boards and the third sector to embed quality improvement (QI) in their work. This is strengthening services for children, young people and families and schools, as part of a wider range of measures to tackle inequality, improve outcomes and make Scotland the best place to grow up and learn.

At the heart of the CYPIC is prevention and early, effective intervention in line with Public Service Reform, Getting it right for every child, Child Poverty Strategy for Scotland and the Scottish Attainment Challenge; so that children and young people get support for their health, wellbeing and learning wherever they live. Through embedding QI, practitioners gather/share evidence about interventions and approaches that make the biggest difference in improving life chances and closing the poverty-related attainment gap.

The CYPIC is aligned with the **Maternity and Children Quality Improvement Collaborative** which focuses on maternity, neonatal and paediatric healthcare.

Children's Rights and Pupil Participation - In addition to the specific duties on Scottish Ministers within the Children and Young People (Scotland) Act 2014 (see above), the Scottish Government is committed to enhancing children's rights in all aspects of Scottish life. Understanding children's rights is fundamental for any professional working with children and young people and is the basis of the practical tool the Common Core of values and practices. The tool focuses on establishing respectful and meaningful relationships between children and those supporting them,

as well as within practitioner partnership relationships. It can be used for personal and/or organisational self-evaluation and reflection.

The Children and Young People's Commissioner for Scotland (CYPCS) has produced the rights based 7 Golden Rules for Participation - a set of principles for anyone working with children and young people. They help children and young people tell adults about things that are important to them. A CYPCS research report looks at the relationship between pupil participation and rights and achievement and attainment.

Also, The Scottish Government supports schools becoming environments in which rights are respected. Each school should have the flexibility to determine how to do this. Our priority is to ensure that children and young people learn and understand their rights – in doing so we support the use of different approaches. We welcome UNICEF's 'Rights Respecting Schools' accreditation scheme as one method to promote rights education, however we are aware some local authorities have already established their own approaches. Education Scotland's 'Recognising and Realising Children's Rights is a professional learning resource to promote self-evaluation and improvement planning.

Learning together: Scotland's National Action Plan on Parental Involvement, Parental Engagement, Family Learning and Learning at Home 2018-21, is a joint 3 year plan between Scottish Government and COSLA which has had detailed input by the National Parent Forum of Scotland. It provides a national vision for parental involvement and engagement but allows for local and community innovation and flexibility. It covers the journey that a child takes from pre-birth to age 18. It takes account of the national and international evidence base as well as policy and practice expertise across the Scottish education system. Importantly, it highlights the leadership of those who make the difference day in and day out: parents and families, teachers, headteachers, managers and professionals. This plan is based on the guiding aim of Getting it Right for Every Child. It is informed by the central role of the family, whatever form that may take. The theme that lies at the heart of this plan is relationships - relationships based on trust, mutual respect and collaboration.

The **15-24 Learner Journey Review** was published in May 2018 and makes 17 recommendations on how to improve learner pathways for all young people. The recommendations fall into 5 key priorities: Support, Provision, Alignment, Leadership and Performance. As part of recommendation 4 there is a specific focus on helping young people from gypsy-traveller communities to receive appropriate and consistent access to support that meets their needs at different times throughout their pathway.

Developing a positive whole-school ethos and culture – Relationships, Learning and Behaviour outlines policy guidance in response to the Behaviour in Scottish Schools Research conducted in 2016. The Scottish Advisory Group on Relationships and Behaviour in Schools (SAGRABIS) have identified the next steps, outcomes and priority actions to support local authorities, establishments, practitioners and partners to further improve. This is central to the successful delivery of Curriculum for Excellence, implementation of Getting it Right for Every

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Child and the aspirations of the Scottish Attainment Challenge and the National Improvement Framework.

Included, Engaged and Involved Part 1: Attendance in Scottish Schools sets out national policy around attendance and absence [due for review late 2018]. In addition to the classification of attendance and absence, this guidance seeks to explore and address wider issues around the promotion and management of good attendance and the prevention and reduction of absence. The guidance recognises that school communities are diverse, and that Traveller children may require authorised absence to travel as part of their tradition, family connections or work commitments.

Included, Engaged and Involved Part 2: A Positive Approach to Preventing and Managing School Exclusions has a fundamental role to play in helping realise the Scottish Government's vision for all children and young people by supporting those who are at risk of becoming disengaged or excluded from education. It recognises that children and young people need to be included, engaged and involved in their education in order to achieve equity and attainment for all. The guidance was revised in 2017.

Respect for All - The National Approach to Anti-Bullying for Scotland's Children and Young People outlines the Scottish Government approach to all types of bullying – including prejudice-based bullying. The National Approach was refreshed in 2017 in recognition of the changing policy and legislative landscape, including the increased emphasis on the responsibility of those working with children and young people to support those with a protected characteristic.

Developing the Young Workforce (DYW), Scotland's Youth Employment Strategy, published in December 2014. It sets out the Scottish Government's plans to implement the recommendations from the Commission for Developing Scotland's Young Workforce to reduce youth unemployment. The third annual progress report on the implementation of the recommendations, published in January 2018, includes information on progress in equalities.

The Career Education Standard (3-18) was published in September in 2015. The policy is for an all age careers service in Scotland which is delivered locally and co-ordinated nationally. It sets out the entitlements and expectations every young person in Scotland should expect ot receive in terms of careers information advice and guidance. Skills Development Scotland are the national agency responsible for the delivery of career information, advice and guidance and they work with regional partners to shape and provide the services that people need in their local area.

Opportunities for All sets out Scottish Government's explicit commitment to 16-19 year olds not already in education, training or employment, of an offer of an appropriate place in learning or training, to develop the skills they need to get a job. It builds on the post-school transition planning and offer process already in place for young people moving on from school. Delivered in partnership by Local Authorities, with national and local Third Sector partners, the aim is to identify and re-engage young people who are not participating in learning, training or employment in order to support them to plan for their move, beyond school and subsequent learning and

training opportunities up until their 20th birthday. **Activity Agreements** are core element of this policy.

Learning for Sustainability is an approach to life and learning which enables learners, educators, schools and their wider communities to build a socially-just, sustainable and equitable society. It incorporates three main aspects: sustainable development education, global citizenship and outdoor learning. In March 2013 Scottish Ministers accepted all thirty-one recommendations of the Learning for Sustainability (LfS) report. The report called for every school and centre to develop a coherent, whole school approach that impacts on their establishment's culture, curriculum and campus and connects them fully to their wider communities. The 2013 Report was followed in 2016 by the Vision 2030+ Report which contains a set of recommendations intended to help realise the vision of every learner receiving their entitlement to LfS, every practitioner demonstrating LfS in their practice and every establishment having a whole school and community approach to LfS. Education Scotland have developed a Learning for Sustainability (LfS) self-evaluation and improvement framework which is closely aligned with How Good Is Our School 4.

Race Equality work - The Race Equality Framework for Scotland sets out the Scottish Government's approach, over a fifteen year period from 2016 to 2030, to promoting race equality and tackling racism and inequality. It sets out how the barriers that prevent people from minority ethnic communities from realising their potential will be addressed. In relation to Gypsy/Travellers specifically, in spring/summer 2017 Scottish Government officials engaged directly with members of the Gypsy/Traveller community by visiting a number of sites in parts of Scotland. The Race Equality Action Plan, published at the end of 2017, includes specific Scottish Government-led activities for Gypsy/Travellers. A Gypsy/Traveller Strategic Programme of Work will follow which will bring together all the relevant Scottish Government policies aimed at improving outcomes for the community.

Annex B. Additional sources of information, advice and support on specific matters relating to Travellers

	Information on local Traveller communities and cultural awareness	Information on a tailored approach to enrolment	Advice on unauthorised absence	Advice on permission/application for Home Education	Advice on CME (Children missing from education)	Information on SEEMIS codes etc.
Sources of Guidance	Local Authority Gypsy/Traveller Policy and Strategy STEP (Scottish Traveller Education Programme) including: information; research; and TENET (Traveller Education Network) contacts Local demographic data Community Planning Partnership (CPP)	Local Authority Enrolment Policy Local Authority Gypsy/Traveller Policy STEP	Local Authority attendance guidance Included, Engaged and Involved Part 1 (IEI1 – attendance)	Scottish Government Home Education guidance 2007	Scottish Government CME guidance	Local MIS guidance Scotexed Guidance IEI1 Included, Engaged and Involved Part 2 (IEI2 - exclusions)
Sources of advice, information and support in local authority	Local Education Inclusion/ ASN (Additional Support Needs) Officer QIO (Quality Improvement Officer)	Local Authority School Team	Local Education Inclusion/ ASN Officer QIO	Local Home Education Officer/ Local Education Inclusion/ ASN Officer	Local CME Coordinator in consultation with Local Education Inclusion/ASN Officer/QIO	Local MIS SEEMiSTeam

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Annex C. Data and intelligence key to improving Traveller outcomes

Data/ intelligence relating to:	Reflective questions and how the data/ intelligence might be used
Attendance	How does attendance of Traveller children when they are in school compare to non-Travellers? If children attend other schools whilst travelling, do you have arrangements for sharing information with those other schools?
Exclusions and behaviour	What does data/ intelligence tell you about the behaviour of Traveller pupils? Do you understand the reasons behind any negative behaviour and have they been considered in developing plans and strategies to support behaviour?
Record of racist incidents/bullying	Do you capture information about race or other relevant characteristics in your incident reporting? Are Travellers more likely to experience a racist incident, and if so, do you understand why? Are your school's ethos and values clear that racism will not be tolerated? Could your anti-bullying policy do more to prevent incidents?
Feedback from pupils and parents (including on engagement, enjoyment, and health and wellbeing)	What does this tell you about how well you are meeting the needs of traveller children/young people and their family? Do you need to do more to seek and enable good feedback?

Parental engagement	What levels of parental engagement do you have with Traveller families compared to others? How effectively are parental engagement approaches adapted to meet the particular needs of Traveller families?
Evidence of considering Traveller children's cultural background	Do you provide relevant and meaningful learning activities which reflect the cultural background of Traveller children? Do you promote personal development and encourage pupils' self-esteem, cultural identity, aspirations and career choice? Are you taking into account culture differences and inter-personal relationships to develop appropriate, and sometimes flexible, learning opportunities to suit individual learning styles?
Transitions data	What does transitions data tell you about the effectiveness of transitions arrangements for Traveller children? Do you have effective practices for promptly accessing information about children's prior learning (when they either enrol or return to your school) which is then used to develop an appropriate plan for learning? Do you consider whether a personalised transition plan would be of benefit for Traveller children?
Additional support for learning	Do you fully understand the types of additional support needs your Travellers have, or may have? How well does the school meet their additional support needs? What assessments have been undertaken, and what has been the outcome?
Performance data used to track progress and achievement	What does this tell you about progress of Travellers in your school? What do you recognise as 'achievements' and do these reflect achievements relevant to different Traveller cultures? Are targets set for Travellers who experience interrupted learning or other barriers to learning sufficiently stretching? Do you understand what expectations Traveller children have for themselves, and what expectations Traveller parents have for their children?

Attainment and positive destinations	How does data for Travellers compare to data for peers? Do you understand the reasons behind these differences? Do you set stretching targets for Travellers to drive improvements in learning provision?
Evidence of good practice	Do you look for evidence of good practice, in and out of school, and share it with practitioners? Do staff share their experience and learning with colleagues?
The local Traveller community/ies	Do you know whether Travellers live in your school community? What local information will help you better understand your local Traveller community's education needs?

Annex D. Reflection

This Annex lists the reflective questions in Sections 2 and 3 of this guidance. It may be a useful in helping consider the Traveller perspective against the reflective questions set out in HGIOS4.

A further source of reflective material is Education Scotland's Recognising and Realising Children's Rights, a professional learning resource to promote self-evaluation and improvement planning. Additional reflective material can be found in the children's rights based Common Core of values and practices that has been designed by and for children working with Scottish practitioners. It can be used for personal and/or organisational self-evaluation.

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Section 2. Leadership and Management – Reflective questions

- How effective are our processes for involving local families from mobile cultures in the ongoing review of our vision, aims and values, school policies and approaches to communicating with parents?
- Do we consider the needs of children from travelling cultures in our approach to pupil participation and learner voice? Do we provide purposeful, participatory opportunities in all arenas of school life? Do we use participatory approaches to encourage relations that are equitable?
- How effective are the links with other agencies and people (e.g. social work services, local health board, Family Learning Professionals, CLD (Community Learning and Development), Traveller Education Network (TENET)) in engaging and addressing the needs of Traveller communities, including families where children are not at school?
- How well do we seek out and respond positively to potential partnerships which will lead to better outcomes for the children and young people we work with?
- How effectively are incidents relating to racial discrimination acted upon to ensure lessons are learnt and prevent future occurrences?
- Are staff up to date with processes for travelling communities and are our systems regularly reviewed?

- How effective is our communication with families around expectations?
- What range of data and information do we use to understand the social, economic and cultural context of the mobile cultures within our local community?
- How reliable is our evidence of impact on the learning of the pupils?
- How effective are our planning, recording and information transfer processes for children from mobile communities?

- How well do all staff understand their role and responsibility in supporting Travellers' wellbeing?
- To what extent do we critically engage with research, policy sources and developments in learning and teaching for mobile cultures?

- How effectively do we use our resources to meet the learning needs of children from travelling cultures and ensure equity?
- How reliable is our evidence of impact on the learning of the pupils?
- Do we need to adjust our learning to meet Travellers' needs, and if so, how?

Section 3. Learning Provision– Reflective questions

- To what extent is our school an inclusive learning environment for children and young people from travelling cultures?
- How well does our curriculum planning meet the needs of children and young people from travelling cultures?
- Are there further opportunities for flexibility in the way we provide education which will benefit Travellers?

- Are there further opportunities to use digital delivery of learning and teaching to reach Traveller pupils?
- Can technology support better communication and engagement with families?

- Does the school have effective assessment systems in place to identify the needs of the children and young people from travelling cultures?

- How effective are our approaches for Traveller children and young people to ensure that there is effective curriculum planning and opportunities for their entitlement to support?
- How do we know if support is having the desired impact of improving outcomes for children and young people from travelling cultures?

- In what ways is the family support we provide encouraging young people to learn?
- How are we ensuring that our provision is responsive to the needs of Traveller families?

- To what extent do our processes for involving children and families and other agencies ensure effective transitions for Traveller learners?
- To what extent does our curriculum provide opportunities for support and induction into the next stage of learning?

Annex E. Transitions data for White Gypsy/Traveller pupils in publicly funded primary and secondary schools in Scotland

Source for all data http://www.gov.scot/Topics/Statistics/Browse/School-Education/dspupcensus

Table 1: Size of White Gypsy/Traveller cohort in P7 and S1

	P7	S1	% difference
2016 to 2017	112	73	-35%
2015 to 2016	101	51	-50%
2014 to 2015	88	50	-43%
2013 to 2014	103	58	-44%
2012 to 2013	85	42	-50%

Notes:

P7 figure is number of G/T pupils in census in one year (eg 2016)

S1 figure is number of G/T pupils in census in following year (eg 2017)

Table 2: Numbers of White Gypsy/Traveller recorded in school census from 2012 to 2017

Stage Year	S3	S4	S5	S6
2017	53	52	25	13
2016	58	44	29	7
2015	48	50	*	*
2014	54	41	22	10
2013	42	36	17	7
2012	36	35	16	19

Notes:

* Fewer than five pupils

Table 3: Size of Gypsy/Traveller Pupil cohorts of through secondary school

	S1	S2	S3	S4	S5	S6
Class of 2011		27	28	29	13	5
Class of 2012	34	31	30	27	21	9
Class of 2013	38	35	33	30	16	7
Class of 2014	28	27	33	35	17	10
Class of 2015	30	40	36	36	22	*
Class of 2016	42	40	42	41	*	7
Class of 2017	55	60	54	50	29	13
Class of 2018	42	45	48	44	25	
Class of 2019	58	61	58	52		
Class of 2020	50	56	53			
Class of 2021	51	50				

Notes:

* Fewer than 5 pupils

The class of 2011 are defined here as those who would have been in S6 in the school year 2010/11

Table 4: Change in Cohort Size

	S3-S5 Number of pupils in S5 as a % of pupils in S3		S3-S6 Number of pupils in S6 as a % of pupils in S3	
	All Pupils	Gypsy/ Travellers	All Pupils	Gypsy/ Travellers
Class of 2011	82%	46%	56%	18%
Class of 2012	83%	70%	58%	30%
Class of 2013	85%	48%	60%	21%
Class of 2014	86%	52%	62%	30%
Class of 2015	87%	61%	63%	*
Class of 2016	88%	*	63%	17%
Class of 2017	87%	54%	62%	24%
Class of 2018	87%	52%		

Notes:
* Fewer than 5 pupils
The class of 2011 are defined here as those who would have been in S6 in the school year 2010/11

Code	Description	Site Type	Site Classification	Town/City	County/Re	Easting	Northing	Tenure	Terrier	Listed	Usage	Committee	Area	Unit	Building Gi	Building Gi	Building N	Vacant	Vacant Da	Comment	Asset Category	Number of	Comments
DN020/09	Land at Sta	Non-Opera Miscellane Site		Duns		378601	653290	F/P		No	Land	TS	0	m2			N				Open Space, Ceme	0	wont go to duns
HW080/01	Former Air Non-Opera Demolitio Development Site		Hawick		350373	614834	F/P		No	Land	PED	0	m2			N				Acquired fr Commercial, Indust	0	being constructed on
HW082/01	Teviot Lodg Non-Opera Demolitio House		Hawick		349952	614512	F/P		No	Land	TS	0	m2			N				No establi Other	0	flood protection scheme
JD024/01	Abbey Plac Non-Opera Store		Jedburgh ROX		365007	620527	F/P		No	Building	TS	0	m2	26	17	0 N				No site an Other	0	basement toilet
LD017/14	Burnmill Av Operationa Miscellane Site		Lauder E&L		353036	647223	F/P		No	Land	PED	0	m2			Y				Other	0	contaminated land
PB004/04	Greenside Operationa Public Car F Car Park		Peebles TWD		324974	640437	F/P		No	Land	CG	0	m2			N				Car Parks	0	wont go to Peebles
PB004/05	Kings Mea Operationa Public Car F Car Park		Peebles TWD		325156	640191	F/P		No	Land	CG	0	m2			N				Car Parks	0	wont go to Peebles
PB043/36	Land at M Non-Opera Miscellane Site		Peebles TWD		325152	640376	F/P		No	Land	CG	0	m2			N				Changed to Other	0	wont go to Peebles
PB043/41	Land at Ha Non-Opera Commercia Site		Peebles TWD		324654	640541	F/P		No	Land	CG	0	m2			N				Changed to Commercial, Indust	0	wont go to Peebles
SK044/01	Ettrick Mill Non-Opera Surplus Industrial Unit		Selkirk E&L		347234	629348	F/P	1	Building	NDC	0	m2			Y		01/04/202 No establi Other	0	being investigated
SK052/01	The Cross I Non-Opera Commercia Miscellaneous		Selkirk		347033	628481	F/P		No	Building	TS	0	m2			Y			31/12/201 To be dem Commercial, Indust	0	just a building
HW028/07	Melgund P Non-Opera Commercia Garage Site		Hawick ROX		350515	614657	F/P		No	Land	PED	39	m2	0	0	Y				Commercial, Indust	0	Too Small
HW028/09	Dovecote S Operationa Public Car F Car Park		Hawick ROX		352892	615039	F/P		No	Land	TS	44	m2	0	0	N				Car Parks	0	Too Small
PB004/07	School Bra Operationa Public Car F Car Park		Peebles TWD		325230	640383	F/P		No	Land	TS	91	m2	0	0	N				Car Parks	1	wont go to Peebles
DN010/03	Wells Wyn Operationa Public Car F Car Park		Duns BER		378352	653918	F/P		No	Land	TS	128	m2	0	0	N				Car Parks	1	wont go to duns
PB004/03	Tweed Gre Operationa Public Car F Car Park		Peebles TWD		325350	640350	F/P		No	Land	TS	134	m2	0	0	N				Car Parks	1	wont go to Peebles
ER003/06	East Green Operationa Public Car F Car Park		Earlston E&L		357909	638588	F/P		No	Land	TS	161	m2	0	0	N				Car Parks	1	Too Small
HW028/16	Northcote Operationa Public Car F Car Park		Hawick ROX		350899	615056	F/P		No	Land	TS	163	m2	0	0	N				Car Parks	1	Too Small
HW028/08	Melgund P Operationa Public Car F Car Park		Hawick ROX		350503	614648	F/P		No	Land	TS	163	m2	0	0	N				Car Parks	1	Too Small
PB004/01	Biggleskno Operationa Public Car F Car Park		Peebles TWD		325137	640566	F/P		No	Land	TS	201	m2	0	0	N				Car Parks	1	wont go to Peebles
HW024/12	Wilton Dea Operationa Public Car F Car Park		Hawick ROX		349017	614662	F/P		No	Land	TS	251	m2	0	0	N				Car Parks	1	Too Small
GL006/01	Gala Lane (Operationa Public Car F Car Park		Galashiels E&L		349336	636178	F/P		No	Land	TS	259	m2	0	0	N				Car Parks	1	central
SK006/05	Heatherlie Operationa Public Car F Car Park		Selkirk E&L		346535	628489	F/P		No	Land	TS	270	m2	0	0	N				Car Parks	1	Too Small
HW029/04	Cross Wyn Operationa Public Car F Car Park		Hawick ROX		350346	614519	F/P		No	Land	TS	274	m2	0	0	N				Car Parks	1	Too Small
GL006/06	Ladhope D Operationa Public Car F Car Park		Galashiels E&L		348950	636728	F/P		No	Land	CG	319.73	m2	0	0	N		Tarmac Sur Car Parks	2	Too Small
HW028/11	Walters W Operationa Public Car F Car Park		Hawick ROX		350268	614675	F/P		No	Land	TS	335	m2	0	0	N				Car Parks	2	Too Small
LD011/02	Crofts Roa Operationa Public Car F Car Park		Lauder E&L		352972	647584	F/P		No	Land	TS	393	m2	0	0	N				Car Parks	2	Too Small
GL064/01	Haliburton Operationa Miscellane Site		Galashiels		348682	636518	F/P		No	Land	CG	407.95	m2			N		Overgrowr Other	2	Too Small
SK066/01	Chapel Stre Operationa Public Car F Car Park		Selkirk E&L		346963	628556	F/P		No	Land	TS	408	m2	0	0	N				Car Parks	2	back of high street
DN010/02	Showgroun Operationa Public Car F Car Park		Duns BER		378567	653899	F/P		No	Land	TS	412	m2	0	0	N				Car Parks	2	wont go to duns
GL006/05	King Street Operationa Public Car F Car Park		Galashiels E&L		348388	636847	F/P		No	Land	TS	425	m2	0	0	N				Car Parks	2	Too Small
LD011/01	Site at Crof Non-Opera Surplus Development Site		Lauder E&L		352801	647775	F/P		No	Land	NDC	485	m2			N				Other	2	Too Small
JD015/01	Murrays G Operationa Public Car F Car Park		Jedburgh ROX		365088	620449	F/P		No	Land	TS	504	m2	0	0	N				Car Parks	3	Too Small
JD034/02	Land at M Operationa Miscellane Site		Jedburgh ROX		365088	620450	F/P		No	Land	CG	505.06	m2			N		Site of forn Car Parks	3	Too Small
SK006/04	Whinfield Operationa Public Car F Car Park		Selkirk E&L		346720	628965	F/P		No	Land	TS	529	m2	0	0	N				Car Parks	3	near swimming pool
GL063/01	Site at Hall Operationa Miscellane Development Site		Galashiels		348731	636849	F/P		No	Land	TS	530	m2	0	0	Y				Other	3	Too Small
GL006/13	St Andrew Operationa Public Car F Car Park		Galashiels E&L		349073	636065	F/P		No	Land	TS	545	m2	0	0	N				Car Parks	3	Too Small
HW028/12	Marina Op Operationa Public Car F Car Park		Hawick ROX		350236	614601	F/P		No	Land	E&LL	545	m2	0	0	N				Car Parks	3	Too Small
KL016/04	Mill Wynd Operationa Public Car F Car Park		Kelso ROX		372683	633897	F/P		No	Land	TS	571	m2	0	0	N				Car Parks	3	Too Small
GL006/12	Roxburgh S Operationa Public Car F Car Park		Galashiels E&L		348796	636383	F/P		No	Land	TS	564	m2	0	0	N				Car Parks	3	Too Small
HW028/10	O Connell S Operationa Public Car F Car Park		Hawick ROX		350442	614643	F/P		No	Land	TS	635	m2	0	0	N				Car Parks	3	Too Small
HW035/01	Burnfoot C Operationa Surplus Store		Hawick ROX		351375	615909	F/P		No	Building	CB	637.27	m2	133	115	93 N		Surplus O Offices	3	Too Small
HW028/01	Dicksons St Operationa Public Car F Car Park		Hawick ROX		350178	615267	F/P		No	Land	TS	650	m2	0	0	N				Car Parks	3	Too Small
HW028/02	Garfield St Operationa Public Car F Car Park		Hawick ROX		350438	614525	F/P		No	Land	TS	670	m2	0	0	N				Car Parks	3	Too Small
GL005/08	Livingston Operationa Public Car F Car Park		Galashiels E&L		348853	636593	F/P		No	Land	TS	681.77	m2			N				Finance no Car Parks	3	Too Small
GL006/07	Low Buckh Operationa Public Car F Car Park		Galashiels E&L		348831	636643	F/P		No	Land	PED	682	m2	0	0	N				Car Parks	3	houses nearby
GL006/02	Hall Place (Operationa Public Car F Car Park		Galashiels E&L		348853	636484	F/P		No	Land	TS	709	m2	0	0	N				Car Parks	4	houses nearby
SK047/01	Thirlstane I Non-Opera Commercia Development Site		Selkirk E&L		347747	629132	F/P		No	Land	PED	720.19	m2			Y				Commercial, Indust	4	used by locals as car parking spaces, constrained space
HW028/05	Mansfield Operationa Public Car F Car Park		Hawick ROX		350649	615368	F/P		No	Land	TS	732	m2	0	0	N				Car Parks	4	no op / anti-social
HW028/14	Beaconsfie Operationa Public Car F Car Park		Hawick ROX		349939	614549	F/P		No	Land	TS	756	m2	0	0	N				Car Parks	4	busy/houses
EY009/03	High Street Operationa Public Car F Car Park		Eyemouth BER		394323	664667	F/P		No	Land	TS	802	m2	0	0	N				Car Parks	4	wont go to eyemouth
GL006/14	Stirling Stre Operationa Public Car F Car Park		Galashiels E&L		349267	636342	F/P		No	Land	TS	838	m2	0	0	N				Car Parks	4	68.4 sqm o Car Parks
EY009/04	Old Station Operationa Public Car F Car Park		Eyemouth BER		394392	663641	F/P		No	Land	TS	897.42	m2			N				Car Parks	4	wont go to eyemouth
KL010/03	Mayfield C Operationa Public Car F Car Park		Kelso ROX		373060	633671	F/P		No	Land	TS	958	m2	0	0	N				Car Parks	5	to busy
KL041/01	Site 1 Mayf Operationa Miscellane Development Site		Kelso ROX		373058	633722	F/P		No	Land	TS	1091	m2	0	0	Y				Other	5	land to the left of the garden centre, drive passed it if going to the garden centre
GL006/16	Boleside C Operationa Public Car F Car Park		Galashiels E&L		350921	634734	F/P		No	Land	TS	1122	m2	0	0	N				Car Parks	6	busy carpark used by walkers/dog walkers
DN005/02	Lanark Lod Non-Opera For Sale Day Centre		Duns BER		379004	653686	F/P	3	Building	SW	1147.22	m2	1285	111	87 Y		01/04/202 Being prep Social Care	6	SOLD
SK006/03	Scotts Plac Operationa Public Car F Car Park		Selkirk E&L		347312	628779	F/P		No	Land	TS	1148	m2	0	0	N				Car Parks	6	public toilet there
JD015/03	Friargate C Operationa Public Car F Car Park		Jedburgh ROX		364989	620647	F/P		No	Land	TS	1186	m2	0	0	N				Car Parks	6	to busy
SK048/01	Chapel Stre Non-Opera Commercia Development Site		Selkirk E&L		347033	628002	F/P		No	Land	CG	1203	m2			Y				Commercial, Indust	6	garages on land, access needed to these
HW028/03	Garfield St Operationa Public Car F Car Park		Hawick ROX		350431	614578	F/P		No	Land	TS	1203	m2	0	0	N				Car Parks	6	carpark that's the smaller of the 2
DN010/01	Newtown S Operationa Public Car F Car Park		Duns BER		378462	653949	F/P		No	Land	TS	1310	m2	0	0	N				Car Parks	7	wont go to duns
KL010/01	Bowmont S Operationa Public Car F Car Park		Kelso ROX		372775	634056	F/P		No	Land	TS	1330	m2	0	0	N				Car Parks	7	to busy
KL010/02	Coledale C Operationa Public Car F Car Park		Kelso ROX		372798	634128	F/P		No	Land	TS	1359	m2	0	0	N				Car Parks	7	to busy
EY009/01	Gunsgreen Operationa Public Car F Car Park		Eyemouth BER		394791	664452	F/P		No	Land	TS	1635.23	m2			N				Car Parks	8	wont go to eyemouth
PB004/06	Neidpath C Operationa Public Car F Car Park		Peebles TWD		324454	640597	F/P		No	Land	TS	1645	m2	0	0	N				Car Parks	8	wont go to Peebles
EY009/05	Seafront C Operationa Public Car F Car Park		Eyemouth BER		394376	664455	F/P		No	Land	TS	1745	m2	0	0	N				Car Parks	10	wont go to eyemouth
PB005/20	Former Sla Non-Opera Surplus Development Site		Peebles TWD		324396	640266	F/P		No	Land	PED	2067	m2			Y		30/06/201 Closed Jun Schools	13	possible sale shortly, residential, no privacy
HW008/01	St Margare Non-Opera For Sale Site		Hawick ROX		349984	614376	F/P		No	Land	TS	2547.75	m2	0	0	N		Tarmac sur Car Parks	13	next to morrisons
HW028/06	Mart Stree Operationa Public Car F Car Park		Hawick ROX		350533	615067	F/P		No	Land	TS	2681	m2	0	0	N				Car Parks	13	car park at end of main car park, toilets nearby
SK006/02	Market Pla Operationa Public Car F Car Park		Selkirk E&L		346938	628371	F/P		No	Land	TS	2695	m2	0	0	N				Commercial, Indust	13	near abbey and community centre
KL010/05	The Knowe Operationa Public Car F Car Park		Kelso ROX		372971	633845	F/P		No	Land	TS	3171	m2	0	0	N				Car Parks	16	behind iceland, town centre not suitable
GL006/03	High Street Operationa Public Car F Car Park		Galashiels E&L		349024	636251	F/P		No	Land	TS	3634	m2	0	0	N				Car Parks	18	to busy
JD015/02	Canongate Operationa Public Car F Car Park		Jedburgh ROX		365163	620524	F/P		No	Land	TS	4072	m2	0	0	N				Car Parks	20	wont go to Peebles
PB045/01	Witchwood Non-Opera Commercia Development Site		Peebles TWD		325913	639498	F/P		No	Land	PED	5032	m2			N		The Board Commercial, Indust	25	busy, exposed
GL006/10	Netherdale Non-Opera Commercia Development Site		Galashiels E&L		350660	635051	F/P		No	Land	TS	5401	m2	0	0	N				Car Parks	27	not a level site, could prehaps fit a few vans, community group interest for food growing, unsuitable
HW040/01	Wilton Parl Operationa Surplus Depot		Hawick ROX	Office	349040	614342	F/P		No	Building	NDC	7830	m2	9901	2016	2002 N				Depots, Waste & To	39	unsuitable, small space, road to a house, park, not flat
GL058/01	Land at For Non-Opera Commercia Development Site		Galashiels E&L		348399	635994	F/P		No	Land	TS	8763	m2	0	0	N				Commercial, Indust	44	central, near to ATS, burgh yard
GL046/01	Huddersfie Non-Opera For Sale Site		Galashiels E&L		349453	635842	F/P		No	Land	NDC	9874	m2			Y				Other	49	busy
HW028/13	Common H Operationa Public Car F Car Park		Hawick ROX		350011	614612	F/P		No	Land	TS	12469	m2	0	0	N				Car Parks	62	Long term option, in use by community/walkers
GL060/01	Land at Syk Operationa Miscellane Site		Galashiels E&L		351028	634804	F/P		No	Land	NDC	13082	m2	0	0	N				Other	65	wont go to duns
DN004/04	Todlaw Par Operationa Surplus Playing Field		Duns BER		378432	653400	F/P		No	Land	NDC	20315	m2			N				Sports, Cultural & C	102	insurance issues
JD005/01	Jedburgh C Non-Opera Surplus Development Site		Jedburgh ROX		365081	620928	F/P	3	Building	E&LL	21655.2	m2	8366.62	7766.37	5660.24 Y		27/08/202 Being prep Other	108	
DN009/01	Duns Primi Non-Opera For Sale School (Closed)		Duns BER		378106	653677	F/P		No	Land	NDC	26476.33	m2	2576	2305	1749 Y		01/04/2020 Demolish Other	132	Under offer
EY001/01	Former Ey Non-Opera Surplus Development Site		Eyemouth BER		394205	664079	F/P		No	Land	NDC	78625.6	m2	0	0	Y				Other	393	wont go to eyemouth
	Currie Roa Operationa	Car Park		Galashiels							Land		2740	m2			No					14	Bottom end, barrier needed, temp control access and temp facilities
	Netherdale Operationa	Car Park		Galashiels							Land											0	Located in the corner of the pitches by the roundabout on tweed road
	Newtown S Operationa	Car Park		Newtown St Boswells							Land											0	Bottom half
	Senior Offi Operationa	Car Park		Newtown St Boswells							Land											0	
	Lower Mansfield Road - Green Space																					0	being used by flood protection scheme at present. Next to rugby club

Code	Description	Site Type Desc	Site Classification Desc	Town/City	Usage Code	Area	Unit of area	Vacant	Number of possible sites	What3words	estates comments	Comments	What is needed	Accessability	Facilities	Containmated Land Comments	Engineers	Planning	Policy/Road Management	Scottish Guidance	Flooding Team common ts	Column2	Column3	Column4	Column5	Column6
SK044/01	Ettrick Mill	Non-Operational	Industrial Unit	Selkirk	Building	0	m2	Y	TBC			1) Currently being invesgated due to land containmation.	1) further investigation works on containmaion issues. 2) Services would be needed	Main road access, with single access road for entrance to site	1) None on site, would need to be built or brought in	Ongoing preliminary assessment - former Ettrick Mill site - potential constraints	Nothing jumps out at a glance	Registered as Business land use at the moment, there would need to be a case for a change of land use		All sites to an extent meeting the criteria in terms of 1) Location - being within the towns 2) access to shops/recreation 3) acess to schools and health care The elements they don't meet at the moment is the facilities hubs, in having a facility hub for each caravan pitch. This could be resolved but would require a longer term investment and investigation as well associated costs. Options would need to be considered e.g. one shared facility etc.			0			
										what3words /// The simplest way to tall																
GL006/16	Boleside Car Park	Operational	Car Park	Galashiels	Land	1122	m2	N	6		1) short term only	1) It is close to the river 2) Services are limited and there isnt anything nearby	1) work with flooding team to see if its viable 2) services would be needed 3) fencing and gate control 4) surface would need looked at	2 entrances to allow for a one way system approach	1) None on site, would need to be built or brought in	No recorded previous development - no CL constraints identified	Nothing jumps out at a glance	concern abot location due to popular use	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// 1																
SK006/03	Scotts Place Car Park	Operational	Car Park	Selkirk	Land	1148	m2	N	6			1) There is a toilet facility already present within the car park 2) The area has only one access point 3) 2 sides are already well screened and we could screen the other 2 4) next to the police station	1) Fencing and gate control	one entrance available	1) There is toilets in the car park (is there an opportunity to use them and refurb them)	curling pond underlaying much of the site - examples of such features being infilled and/or used as refuse sites. If the site was to be redeveloped and subject to planning consent this would be identified as a potential constraint. The site is however understood to be an existing carpark which is fully sealed by hardstanding - there would be no anticipated comments if short term/ temporary occupation was proposed.	Nothing jumps out at a glance	concerns about location and boundary	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// The simplest way to tall																
HW028/03	Garfield Street West Car Park	Operational	Car Park	Hawick	Land	1203	m2	N	6			carpark that's the smaller of the 2	1) decent sized space 2) 2 sides are covered and the other 2 could be screened 3) only one way in	1) Fencing and gate control	one entrance available	1) None on site, would need to be built or brought in	Previously developed (possibly residential) but no recorded contaminative former uses - no CL constraints identified	Nothing jumps out at a glance	is an option	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// 1																
SK006/02	Market Place Car Park	Operational	Car Park	Selkirk	Land	2695	m2	N	13		car park at end of main car park, toilets nearby	1) Toilet facilities nearby 2) 2 sides are screen and the other 2 could be screened 3) town centre parking location 4) it isnt visable from the main road	1) Fencing and gate control	one entrance available	1) There is toilets near by, which are council owned	Possible blacksmiths part of the site, unclear if on or off-site orr if wider ground may have been associated with it. If the site was to be redeveloped and subject to planning consent this would be identified as a potential constraint. The site is however understood to be an existing carpark which is fully sealed by hardstanding - there would be no anticipated comments if short term/ temporary occupation was proposed.	Nothing jumps out at a glance	concerns about location and boundary	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// 1																
	Currie Road Car Park	Operational	Car Park	Galashiels	Land	2740	m2	No	14		Bottom end	1) one way access avaiable 2) only really needs secured on the gate side	1) Fencing and gate control	one entrance available (anotehr entrance is avaiable for the public to use to park their cars	1) None on site, would need to be built or brought in	Former railway sidings and depot If the site was to be redeveloped and subject to planning consent this would be identified as a potential constraint. The site is however understood to be an existing carpark which is fully sealed by hardstanding - there would be no anticipated comments if short term/ temporary occupation was proposed.	Nothing jumps out at a glance	is an option	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// 1																
	Netherdale Pitches Car Park	Operational	Car Park	Galashiels	Land			No	0		Located in the corner of the pitches by the roundabout on tweed road	1) It is located next the pitches which are used	1) Fencing and gate control 2) surface would need looked at	one entrance available	1) None on site, would need to be built or brought in	No recorded previous development with exception of pavillions - no CL coonstriants identified	Nothing jumps out at a glance	would need roads input due to location and access	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// 1																
	Newtown St Boswells Car park	Operational	Car Park	Newtown St Boswells	Land			No	0			1) could use council facilities	1) Gate control	one entrance available	1) Council faclities are nearby	Former railway sidings. If the site was to be redeveloped and subject to planning consent this would be identified as a potential constraint. The site is however understood to be an existing carpark which is fully sealed by hardstanding - there would be no anticipated comments if short term/ temporary occupation was proposed.	Nothing jumps out at a glance	public perception due to previouse use	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// The simplest way to tall																
	Senior Officers Car Park HQ	Operational	Car Park	Newtown St Boswells	Land			No	0			1) within council grounds 2) Could use council facilities	1) Gate control	one entrance available	1) Council faclities are nearby	Former county rooms and apparent council buildings - no CL constraints identified	Nothing jumps out at a glance	a prominent site	Possible TRO process to be followed - Philippa and Jane Webster (legal)	SEE Line 2			0			
										what3words /// The simplest way to tall																
HW028/1:	Common Haug	Operational	Public Car Park	Car Park	Hawick	ROX	350011	614612	F/P			central location, currently used by flood protection scheme as well														

Designing Gypsy and Traveller Sites
Good Practice Guide

Communities
and Local Government

Designing Gypsy and Traveller Sites
Good Practice Guide

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Contents

Chapter 1

Introduction

1.1 The Government believes that everyone should have the opportunity of a decent home. Decent homes are a key element of any thriving, sustainable community. This is true for the settled and Gypsy and Traveller communities alike.

1.2 *Planning Policy Statement 3: Housing* (PPS3) sets out the Government's national planning policy framework for delivering its housing objectives. It applies equally to site accommodation provided for the Gypsy and Traveller communities.

1.3 Paragraphs 12-19 of PPS3 stress the importance of good design in developing high quality new housing and identify the key issues which must be considered to achieve this. Paragraphs 20 to 24 identify the key characteristics of a mixed community and make it clear that this can only be secured by achieving a good mix of housing, including accommodation for Gypsies and Travellers.

1.4 The guidance contained in this document is intended to concentrate more closely on these issues, in the context of Gypsy and Traveller site provision, to familiarise developers with the key elements necessary to design a successful site and to identify good practice using case study examples to illustrate different approaches.

1.5 In particular, this guidance is intended to help:

- Local authorities who wish to develop a new site, or refurbish the whole or part of a site
- Registered social landlords who wish to develop or refurbish a site
- Private developers or architects working with site developers
- People who will be living on a site and are participating in its design.

1.6 It will be particularly relevant to local authorities and registered social landlords wishing to bid for Gypsy and Traveller Site Grant. In assessing applications for grant in future bidding rounds, we will consider whether the elements identified in this guidance as essential are met, and how the remainder of the guidance is addressed.

1.7   This guidance makes clear that there is no single, appropriate design for sites, any more than there is for general housing development. Early and regular consultation with prospective residents is a crucial element in getting the design right for any new site, taking into account the needs of residents and the physical characteristics of the site itself.

1.8   This guidance has been developed in consultation with members and representatives of the Gypsy and Traveller communities, together with those managing public sites. It draws attention to those elements which have been found to work best in developing sites which will be sustainable in the long term, and which meet residents' traditional and cultural needs.

1.9   Good practice in site design will evolve in the light of experience as it does for housing generally. As authorised site provision increases, new ideas, modern methods and innovations should arise. This document will be revised from time to time to reflect these. Updates will be provided on the Communities and Local Government website.

Context

1.10   There are currently around 300 socially rented Gypsy and Traveller sites in England. However, there is a national shortage of authorised sites, with around one in four Gypsy and Traveller households having nowhere to call home. The Government has established a new framework of housing and planning systems designed to increase site provision to meet the accommodation needs of Gypsies and Travellers, reducing the number of unauthorised sites and promoting good relations with the settled community.

1.11   In addressing this challenge it is important to ensure that these sites:

- Are sustainable, safe and easy to manage and maintain

- Are of a decent standard, equitable to that which would be expected for social housing in the settled community

- Support harmonious relations between Gypsies and Travellers and the settled community.

1.12   It is recognised that it will not be possible to meet all aspects of this guidance in every respect on every site. Local authorities and registered social landlords will need to take decisions on design on a case by case basis, taking into account local circumstances such as the size, geographical and other characteristics of the site or prospective site and the particular needs of the prospective residents and their families.

1.13   In the case of small private site development there will be similarities but it should be recognised that those sites are designed to meet the individual and personal preferences of the owner and may contain elements which are not appropriate or popular for wider application in respect of social provision. It would not therefore be appropriate to use this good practice guidance in isolation to decide whether a private application for site development should or should not be given planning permission.

Scope

1.14   The guidance is primarily intended to cover social site provision for Gypsies and Irish Travellers and covers a range of sites including:

- **Permanent sites** – providing residents with a permanent home. The bidding guidance for Communities and Local Government's Gypsy and Traveller Site Grant explains that for permanent sites ownership should remain with the local authority or registered social landlord and continue in use as a Gypsy and Traveller site for at least ten years, although consideration will be given to sites of a shorter term nature where there is a sound business case that demonstrates value for money.

- **Transit sites** – permanent sites used to provide only temporary accommodation for their residents. Lengths of stay can vary but are usually set at between 28 days and three months, although practice on private transit sites tends to be more relaxed in respect of the amount of time people are permitted to stay. The requirements for transit sites reflect the fact that they are not intended for use as a permanent base for an individual household.

- **Temporary stopping places** – pieces of land in temporary use as authorised short-term (less than 28 days) stopping places for all travelling communities. They may not require planning permission if they are in use for fewer than 28 days. The requirements for emergency stopping places reflect the fact that the site will only be used for a proportion of the year and that individual households will normally only stay on the site for a few days.

1.15   This guidance may not be appropriate for all New Traveller sites and early and regular consultation should be conducted with members of this community where they are prospective residents of a site, to ensure it contains the key elements which meet their particular needs.

1.16   Further material on the development of sites designed specifically for travelling showpeople will be produced at a later date.

How this guidance was developed

1.17   This guidance is based on work undertaken initially by consultants which considered:

- Existing research on the design features that work effectively on Gypsy and Traveller sites

- Views of residents drawn from visits to a range of sites

- Consultation with organisations representing the views of Gypsies and Travellers

- Interviews with site managers and developers from the social housing and private sectors

- Interviews with professionals and organisations working with Gypsies and Travellers, including traveller education services, health advocates, planners, the police, fire and other emergency services.

and a consultation exercise on the outcome of that work with stakeholders.

1.18   It is intended to incorporate standards that are comparable to those required of publicly funded developments of housing for the rest of our society. The main source of guidance on this has been the Scheme Development Standards required of new social housing developments funded by the Housing Corporation. In translating the standards for social housing to Gypsy and Traveller sites we have had regard to:

- The different demographic profile of Gypsy and Travellers

- The cultural needs of Gypsies and Travellers

- The intended use and longevity of the site (normally a minimum of ten years unless the land is only available for a shorter period

- The need to make best use of land and other resources available to develop sites

- The need for site design to facilitate economic and effective management of the site

- The Model Standards for Park Homes, and in particular the standards to apply to sites accommodating dwellings made from combustible materials.

1.19   The case study below shows that an old site can be successfully refurbished to meet the types of modern day design standards included within this guidance.

Case Study 1

Star Hill, Hampshire

The Star Hill site in Hampshire is a long established county council run permanent site which was recently refurbished to bring it up to modern day standards.

Existing residents were extensively consulted about the refurbishment plans before commencement. Now, each of the 20 pitches can accommodate two trailers/caravans and has ample parking space. Every pitch has a brick built amenity building containing high standard facilities and incorporating good insulation and heating. Each one has a bath, shower, toilet, kitchen and airing cupboard. There is space and connections for washing machines and freezers.

Each pitch is demarcated by a 4ft wooden fence and has gated access. The fence height is increased to 6ft between amenity buildings to ensure privacy.

Chapter 2

Context

Addressing the shortage of sites

2.1   It is widely accepted that there is a national shortage of authorised sites for Gypsies and Travellers. This has led to an increasing incidence of both unauthorised encampments and unauthorised developments and has sometimes created tensions between Gypsies and Travellers and the settled community.

2.2   The Government has introduced a number of measures to address this.

2.3   The Housing Act 2004 introduced a new obligation on local housing authorities to assess the accommodation needs of Gypsies and Travellers in their areas, and to develop a strategy to address these needs.

2.4   Office of the Deputy Prime Minister Circular 01/2006[1] explains that Regional Planning Bodies must determine how many pitches are needed and, through the Regional Spatial Strategy, how many are needed in each local authority area. Local planning authorities must identify sites in Development Plan Documents and if they fail to do so they can be directed by the Secretary of State.

2.5   Communities and Local Government provides Gypsy and Traveller Site Grant for the provision of new sites, and the refurbishment of existing sites. The grant is available to local authorities and registered social landlords. Where potential developers have little experience in the provision of Gypsy and Traveller sites, they may wish to work with neighbouring local authorities or other RSLs that have greater experience in this area.

[1] *Local authorities and Gypsies and Travellers – Guide to responsibilities and powers*, ODPM

The need for site design guidance

2.6 The Select Committee for the Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions Thirteenth Report[2] (October 2004) concluded that:

"The current guidelines relating to site design and standards urgently need updating in the light of modern space standards and services, health and safety provisions and requirements for catering for disability."

The Committee recommended that the guidance should cover residential ie permanent sites, transit sites and stopping places.

2.7 In October 2004, research showed that many existing local authority sites were of a poor standard. The estimate for maintenance and improvement of these sites to bring them up to standard and to maintain them was £16.7m over the next five years. Research has also showed that skimping on initial site design and construction often means more investment is needed later to rectify problems arising from this[3].

2.8 The guidance issued by Government recognises the specific cultural and accommodation needs of Gypsies and Travellers, as well as the increasingly settled lifestyle of some Gypsy and Traveller households that facilitates, for example, access to education for families with children. This creates challenges for site design because of the need to incorporate features that not only facilitate continued periods of travelling but are also consistent with settled living. Many older sites were developed on an assumption that households would not live on them for long periods, and the facilities on those sites are increasingly out of keeping with accepted standards for family living.

[2] Paragraph 163

[3] Niner, P (July 2003) The provision and condition of Local Authority Gypsy/Traveller sites in England, ODPM – summary of full report Local Authority Gypsy/Traveller sites in England

Chapter 3

Site location/selection – permanent sites

Location

3.1 Selecting the right location for a site is a key element in supporting good community relations and maximising its success. As with any other form of housing, poorly located sites, with no easy access to major roads or public transport services, will have a detrimental effect on the ability of residents to:

- Seek or retain employment
- Attend school, further education or training
- Obtain access to health services and shopping facilities.

3.2 Easy access to local services, and to social contact with other residents in the community, should help deal with the myths and stereotypes which can cause community tension and instead encourage a greater sense of community with shared interests.

3.3 It is essential to ensure that the location of a site will provide a safe environment for the residents. Sites should not be situated near refuse sites, industrial processes or other hazardous places, as this will obviously have a detrimental effect on the general health and well-being of the residents and pose particular safety risks for young children. All prospective site locations should be considered carefully before any decision is taken to proceed, to ensure that the health and safety of prospective residents are not at risk.

3.4 Office of the Deputy Prime Minister (now Communities and Local Government) *Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites* provides advice on site location and selection. It identifies factors which are important for the sustainability of a site, for instance:

- Means of access, availability of transport modes and distances from services
- Promotion of integrated co-existence between the site and local community
- Easy access to General Practitioner and other health services

- Near to a bus route, shops and schools
- Ground conditions and levels of land
- Not locating sites in areas of high flooding risk (for medium and low risk areas see paras 3.21–3.23).

3.5 It should also provide visual and acoustic privacy, and have characteristics which are sympathetic to the local environment. When selecting locations for permanent sites, consideration needs to be given to the relatively high density of children likely to be on the site.

3.6 Sites should not be identified for Gypsy and Traveller use in locations that are inappropriate for ordinary residential dwellings, unless exceptional circumstances apply. These circumstances would be where the location is unsuitable for housing, for practical or technical reasons which would not adversely affect the health and safety of Gypsy and Traveller residents or the sustainability of the site, and where the location has prospective residents' support. This could relate for example to a situation where:

- Prospective residents are happy to live in a location which is not attractive to housing developers
- Existing land is available to meet immediate need on a short term interim basis, pending a longer term solution, but not be available for a long enough period to justify housing development
- Land is suitable for low level single storey development but not for multi storey construction requiring deeper foundations.

In such rare cases prospective residents should be made aware of these exceptional circumstances at the outset.

3. 7 Where possible, sites should be developed near to housing for the settled community as part of mainstream residential developments. As one way of helping to address shortages of site provision local authorities and registered social landlords can consider the feasibility and scope for providing a site for Gypsies and Travellers within their negotiations to provide affordable housing as part of significant new build developments. Even where smaller scale developments are planned they could consider including a small scale site of three to four pitches which are known to work well for single extended families.

Evidence provided to Select Committee on the importance of site location:

"What is working [in Ireland] are small sites. And they are not placed under flyovers or pylons, or beside sewers, canals or tips; they are placed on proper positioned land, bang within the middle of a settled community, and they are working."204]

"We would make a strong plea for safeguards to be put in place to ensure that future site development is not located in polluted or hazardous locations, as… many sites are. Not only does this have a negative impact on Gypsies and Travellers health and access to services but it has a profound impact on how they feel they are perceived and treated by the wider community, likewise such locations reinforce the prejudiced perceptions that many in the settled community have of Gypsies and Travellers, such locations are therefore a major impediment to the social inclusion of Gypsies and Travellers."[205]

Relationship to surrounding land use

3.8 Consideration must be given to the relationship of sites to the surrounding community. For this purpose it is important to ensure that proposals to develop a site link in with other broader strategies in place for improving community cohesion and be regarded as a key issue within them.

3.9 The site must be sustainable, offering scope to manage an integrated coexistence with the local community. This will include consideration of noise and possible disturbance to Gypsy and Travellers living on the site, and possible noise and disturbance to the wider community, in particular from movement of Gypsy and Traveller vehicles.

3.10 Many Gypsies and Travellers express a preference for a rural location which is on the edge of or closely located to a large town or city consistent with traditional lifestyles and means of employment. However, characteristics that make a location unpopular for the settled community are likely to hold similar fears for Gypsies and Travellers. Sites adjacent to light industrial areas therefore tend not to be popular because of their isolation, distance from local facilities and because of safety fears (when walking home at night for instance).

3.11 Similarly, where joint commercial/residential use is envisaged for a site (as in the case of showpeople's sites because of the need for residents to store and maintain fairground equipment), it is important that the compatibility of both of these uses with the surrounding land uses is given careful consideration.

3.12 The case study below is a good example of a site integrated into the heart of an urban community.

Case Study 2

Wallman Place, London

The Wallman Place site is in Haringey, North London, and was refurbished in 1996 to provide a six pitch site for an extended family.

It is behind the civic centre, next door to a school, opposite a health centre, and close to a wide range of shops.

The site has a single access road through the middle, with three pitches on each side. There is space for a trailer, touring caravan and amenity building on each pitch. The brick built amenity buildings include central heating, bathroom and toilet facilities.

Whilst being close to all facilities the site also provides privacy for its residents and is well integrated into the surrounding community.

Scope to provide essential services

3.13 It is essential that sites are provided with access to mains water, electricity supply, drainage, and sanitation. Chapter 5 considers this in detail in respect of individual pitches.

3.14 Sewerage for permanent sites should normally be through mains systems. However in some locations this may not always be possible and in that case suitable alternative arrangements can be made, for example a biodisc sewage plant system.

3.15 All sanitation provision must be in accordance with current legislation, regulations and British Standards.

Health and safety considerations

3.16 Sites must not be located on contaminated land. Only where land has been properly decontaminated should development be considered on that land. Remedial work should only be undertaken by approved contractors in accordance with relevant standards, to ensure the contamination has been remedied to the standard on which housing development would take place. These processes can be prohibitively expensive and should be considered only where it is financially viable from the outset.

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3.17   Brownfield sites may be suitable; however the same considerations should apply when appraising such sites as for conventional residential housing. For instance, sites adjacent to a rubbish tip, on landfill sites, close to electricity pylons or any heavy industry are unlikely to be suitable.

3.18   When considering sites adjacent to main roads, flyovers and railway lines, careful regard must be given to:

- The health and safety of children and others who will live on the site; and

- The greater noise transference through the walls of trailers and caravans than through the walls of conventional housing, and the need for design measures (for instance noise barriers) to abate the impact on quality of life and health.

3.19   The proposed site must be relatively flat and suitable for purpose. Sites should not be developed on exposed sloping sites where there is risk of caravans being overturned or where there is a high probability of flooding risk.

3.20   Where there is a risk from flooding the degree of risk must be determined prior to considering allocation or development of a site by reference to *Planning Policy Statement 25: Development and Flood Risk* (PPS25), the Environment Agency's Flood Map and the local planning authority's Strategic Flood Risk Assessment.

3.21   Annex D of PPS25 sets out a risk based sequential approach to be applied at all stages of the planning process. A Sequential Test is to steer new development to areas at the lowest probability of flooding. Table D.1 of that annex specifies three flood zones of low, medium and high probability. PPS25 table D.2 makes it clear that caravan sites for permanent residence are considered "highly vulnerable" and should not be permitted in areas where there is a high probability that flooding will occur (Zone 3 areas). Caravan sites which are occupied on a short term occupancy basis are classified as "more vulnerable" and proposals for their development in Zone 3 areas would need to pass the Exception Test outlined in PPS25, Annex D, if there are no other sites at a lower flood risk.

3.22   It is recognised that in some areas a high proportion of land is at risk from flooding (Flood Zones 2 and 3) but the requirements of PPS 25 should still be taken fully into account before taking any development proposal forward. Where a flood risk exists, advice from the Environment Agency should be sought at the earliest possible stage on the likelihood of flooding, depths and velocities that might be expected and the availability of warning services, to see whether the proposals might be acceptable.

3.23   Where the Exception Test needs to be applied there may be opportunities to consider design issues, such as raising the level of a site so that accommodation will be above the expected flood level, taking climate change into account. This would protect amenity buildings, service provision etc that cannot be removed from the site when a flood warning is issued. However, a key consideration is that residents can safely evacuate the site in response to flood warnings and that emergency services would be able to reach the site to ensure residents' safety. This is an essential requirement to pass the Exception Test.

Chapter 4

Site layout, access and orientation – permanent sites

Introduction

4.1   Sites should be developed in accordance with existing planning policies and designations, with particular regard made to:

- Convenience for residents

- Safety for residents

- Visual and acoustic privacy – both for people living on the site and those living nearby

- Aesthetic compatibility with the local environment

- Scope for social integration with the local community.

4.2   This is an area where consultation with the local community of Gypsies and Travellers and with members of the settled community living in close proximity to a site can be particularly valuable and ensure best and most convenient use of available space.

Size and layout of site

4.3   For practical reasons, caravan sites require a greater degree of land usage per household than for smaller houses and Gypsy and Traveller sites are no exception. In making comparisons it needs to be recognised that there is for example no equivalent on a site to two or more storey accommodation in housing.

4.4   Gypsy and Traveller sites are designed to provide land per household which is suitable for a mobile home, touring caravan and a utility building, together with space for parking (see also Chapter 7 regarding individual pitches). Sites of various sizes, layouts and pitch numbers operate successfully today and work best when they take account of the size of the site and the needs and demographics of the families resident on them.

4.5   Consultation on this guidance has shown that many Gypsies and Travellers prefer a circular or horseshoe design rather than the more traditional linear layout of pitches. An example of a circular site, the result of close consultation between a local authority and representatives of the prospective residents for that site is featured at Annex B.1 of this document. This was originally intended to be a horseshoe site but was later extended to produce further pitches and the circular design resulted. An example of a more traditional site design is featured at Annex B.2 although these can differ considerably depending on the particular characteristics of the available land.

4.6   Consultation with the local Gypsy and Traveller community is crucial in deciding how best to proceed with the overall layout of the site and to get full value from the investment in it. It is a key element in obtaining the trust and full support of the prospective residents at the very outset of the project and can help deal swiftly with subsequent consultation on individual aspects of the design as and when they arise.

4.7   There is no one ideal size of site or number of pitches although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. However, smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family. These can be advantageous in making good use of small plots of land, whilst retaining the qualities described in this guidance and expected by families on modern sites. An example of a small scale site, in an urban environment, is featured at Annex B.3.

4.8   Sites should ideally consist of up to 15 pitches in capacity unless there is clear evidence to suggest that a larger site is preferred by the local Gypsy or Traveller community. Nevertheless, where a larger site is unavoidable, or where one exists already, in a few cases smaller 'closes' have been created within the site for extended families, thereby retaining the sense of community and creating defensible space.

4.9   An example of this design approach is at Annex B.4. This arrangement could also open up possibilities for facilitating inter site transfers, where for example families may be offered the opportunity to move closer to other family members or elderly and dependant relatives where a pitch in a certain close may become available.

Site perimeter boundaries

4.10   The site boundary must provide clear demarcation of the perimeter of the site, so as to prevent nuisance for existing residents created by others seeking to move on to the site without permission. Boundaries should take into account adjoining land uses, and be designed with the safety and protection of children in mind.

4.11   Where an existing site may be located near an industrial area or process, or a main road, fencing and planting may be used to screen out unpleasant characteristics. A range of different boundaries may be used including fences, low walls, hedges and natural features. The aim should be to achieve a boundary that is sympathetic to, and in keeping with, the surrounding area. Boundaries can also be used to provide shelter for more exposed sites.

4.12   More open boundaries may be used in residential areas so as to promote integration and inclusion with the surrounding community, although the degree of integration which can be achieved will be in part governed by the degree of community cohesion already experienced in that location. A balance needs to be struck between providing privacy and security for the site residents and avoiding a sense of enclosure through for example, the use of high metal railings.

4.13   Measures to protect the safety of site residents from fire are of paramount importance, and it is essential that a clear gap of 3 metres[4] is provided within the inside of all site perimeter boundaries as a fire prevention measure. Where owners of existing sites are experiencing difficulties in achieving this requirement because of current space constraints it is strongly advised that they consult their local fire authority as a matter of urgency to identify ways in which the residents safety can be properly safeguarded.

Orientation of pitches

4.14   As with housing for the settled community, site layout and design should ensure a degree of privacy for individual households (for instance by ensuring that neighbours cannot directly overlook each other's living quarters), but without inhibiting the important sense of community.

4.15   Consultation has identified that in general terms, particularly where site residents are members of an extended family, there is a preference for members of individual households to be able to have reasonable vision of the site in general to help improve security. This is an advantage of the circular or horseshoe site see example at Annex 1 which also allows clear views of the central play area to ensure children are safe (for more information on play areas see paras 4.38–4.41.).

4.16   On larger sites however, or those with a broader spectrum of residents, more seclusion and privacy may be preferred. In these cases, and irrespective of the general layout, preferences over the degree or privacy required can be addressed in part by the height of fencing provided between individual pitches, particularly to shield the amenity building, and by use of other soft landscaping approaches (see Chapter 7).

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[4] *Model Standards for Park Homes*

4.17 In designing the layout of a site enough space must be provided to permit the easy manoeuvrability of resident's own living accommodation both to the site and subsequently on to a pitch. Account needs to be taken of a more recent tendency for members of the Gypsy and Traveller communities to favour the use of a mobile home in place of the traditional caravan, and some mobile homes could be up to around 25 metres in length.

4.18 In order to overcome this, the site design should strike a balance between enabling a variety of accommodation to be catered for, and making best use of available space. Access roads and the site design itself should be capable of providing sufficient space for the manoeuvrability of average size trailers of up to 15 metres in length, with capacity for larger mobile homes on a limited number of pitches where accessibility can be properly addressed in the light of the land available. (For information on individual pitch sizes see Chapter 7).

4.19 In addition to movement of families on and off the site, site residents will sometimes wish to change the trailer accommodation they own and this movement can sometimes cause problems when boundary fences or gates do not allow for this. This is could be overcome by use of movable fencing and gates adjacent to the roadside which are capable of short term removal.

Health and Safety

4.20 When designing the layout of a site, careful consideration must be given to the health and safety of residents, and in particular children, given the likelihood of a high density of children on the site and relatively high levels of vehicle ownership amongst some groups of Gypsies and Travellers for towing caravans and employment purposes.

4.21 It is important to ensure that appropriate traffic calming measures are considered for all sites. Care should be taken when introducing speed humps and other measures, particularly to existing sites, to ensure that appropriate drainage is accommodated within the scheme to allow for the effective passage of surplus water.

4.22 Clear and effective signage should be introduced where a speed restriction or other traffic calming measure is to apply. Similarly, clear directions should be in place to indicate the location of hydrants and other access points for the fire service etc when attending an emergency on site.

4.23 The need for separate vehicular/pedestrian access should be considered.

Access for emergency vehicles

4.24   It is essential that consultation with local fire and rescue service officers take place at a very early stage of designing a site. Some authorities are reported to differ in advice as to a minimum turning and reversing requirements of emergency vehicles in confined spaces for example, which may impact on the number of pitches permitted. Subject to this, general good practice from recognised sources is outlined in the paragraphs below which can be used as a starting point prior to discussions with local emergency services.

4.25   In designing a site, all routes for vehicles on the site, and for access to the site, must allow easy access for emergency vehicles and safe places for turning vehicles.

4.26   To enable this, suitable roads must be provided, with no caravan or park home more than 50 metres from a road[5]. Roads must have no overhead cable less than 4.5 metres above the ground. Vehicular access and gateways must be at least 3.1 metres wide and have a minimum clearance of 3.7 metres[6].

4.27   Roads must not be less than 3.7 metres wide, or if they form part of a one way traffic system, 3 metres wide[7].

4.28   One way systems should be clearly sign posted.

4.29   To increase potential access points for emergency vehicles, more than one access route into the site is recommended. Where possible, site roads should be designed to allow two vehicles to pass each other (minimum 5.5m[8]). Specific guidance should be sought from the local fire authority for each site.

4.30   Although roads on sites do not require adoption, it is recommended that all roads are constructed to adoptable standards to avoid future maintenance costs, and in anticipation of increased wear and tear due to frequent movement of heavy vehicles. Details of the relevant standards can be obtained from the local highways authority.

4.31   More guidance on aspects relating to aspects of street design and traffic flow can be found in the Department for Transport's *Manual for Streets*.

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[5]   Source: *Building Regulation B5 (2000) – 'Access And Facilities for the Fire Service'*

[6]   Model standards for Park Homes

[7]   *Model Standards for Park Homes, also Manual for Streets* – Department for Transport, March (2007), and Statutory Instrument 2000 no.2531, The Building Regulations (2000). London TSO. Part 2, paragraph B5: Access and facilities for the fire service

[8]   *Manual for Streets*, Department for Transport (2007)

Security

4.32 Consultation has shown that site layout can play an important role in avoiding a sense of enclosure and isolation amongst Gypsies and Travellers. The aim should be to 'design out' crime and social exclusion and 'design in' community safety and social inclusion through openness of design, allowing ease in passing through, whether walking or driving. Care also needs to be taken to ensure that proper concern is shown for the safety of residents and children where car traffic passes through.

4.33 Before pursuing this approach however prospective residents should be consulted at the outset to ascertain the level of community cohesion already prevalent in the area, and to establish the degree to which those who are to live on the site are comfortable with this approach and if it meets the degree of privacy and security which is acceptable.

4.34 Site layout should maximise natural surveillance enabling residents to easily oversee all areas of the site. Scheme specific advice on security provision for the site should be obtained from the Police Architectural Liaison Officer for the area, and reference should be made to 'Secure by Design'[9] standards to inform detailed planning of the site.

4.35 In cases where a site manager's office is provided on a site this should ideally be in a location which can be easily found by visitors and ideally situated at the front of the site ensuring that it has a view which increases security but is not intrusive to residents. An example of the facilities needed in a typical site manager's office include an office area, storage space and also washing facilities, which may be required where work on minor maintenance on site, possibly in bad weather will be needed. A plan of a typical site manager's office can be seen at Annex B.4.

4.36 To avoid disputes and provide defensible space, it is important to provide clear delineation of public communal areas eg play areas and private space, with boundaries that indicate clearly where individual pitches begin and end. It is recommended that communal areas without a clear usage are avoided in the design as they may attract vandalism, fly tipping or unauthorised caravans.

4.37 It is recommended that local needs and preferences are taken into account, as well as the requirements of the local highways authority and fire and rescue services, when designing the entrance to the site. Many Gypsies and Travellers are in favour of controlled access to sites, for example using a lockable gate. Their experience has been that such controls can prevent unauthorised parking and unauthorised caravans being pitched on the site. However, the presence of such gates can sometimes act as a psychological barrier to effective social inclusion.

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[9] ODPM and Home Office (2004) *Safer Places: The Planning System and Crime Prevention*. London: Thomas

Play areas

4.38   It is recommended that the inclusion of a communal recreation area for children of all ages is considered where suitable provision is not available within walking distance on a safe route or using easily accessible public transport, and for larger sites. Specially designated play areas should be designed where possible in consultation with children and parents, to ensure they provide equipment which will be best used, together with the site manager in view of ongoing maintenance issues.

4.39   Where recreation areas are provided, it is important to ensure they are designed and located with the safety of children in mind (taking account of the proximity of busy roads) and where they allow for natural supervision. Play areas should meet normal local authority standards.

4.40   Consultation has shown that locating play areas in secluded areas of the site and near boundary perimeters is not favoured as children could be subject to outside harassment and the play area and equipment open to vandalism. The location of the play area in the site design at Annex 1 avoids this and builds safety into account. Perimeter fencing is included to ensure that children are safe from passing site traffic.

4.41   For further guidance on play issues and related guidance please see *Better Places to Live by Design: A Companion Guide to PPG3*, DTLR, 2001 and Time for Play (dcms) 2006.

Landscape design

4.42   Many Gypsies and Travellers express a strong preference for soft landscaping (for example grassed areas, shrubs and trees) as opposed to hard landscaping such as paved or concreted areas although this can have an impact on the maintenance budget. Nevertheless provision of more attractive landscaping can enhance resident satisfaction and pride with the site on which they live and encourage participation with site management to help maintain the surroundings in which they live.

4.43   Soft landscaping can be used to ensure spatial separation which prevents movement of trailers to positions which would breach fire safety distances from the adjoining pitch. When designing a site to include soft landscaping, consideration needs to be given to preventing it from being used for unauthorised parking or unauthorised pitching of caravans.

Car parking

4.44   A key element for the site is the provision of adequate parking space for resident's use. Parking spaces must be a minimum of 2.4 x 4.8 metres[10].

4.45   Resident parking should largely be provided for on individual pitches (see 7.3) but a site could also contain additional parking facilities for visitors, as parking on the roadside could otherwise impede access of fire and other emergency services. However separate parking areas may present security considerations for residents in some cases and should therefore be situated in an area in good sight of the warden's office and site residents generally.

4.46   More information on residential car parking and related issues can be found in section 8 of the Department for Transport's *Manual for Streets*.

Density and spacing of caravans and trailers

4.47   To ensure fire safety it is essential that every trailer, caravan or park home must be not less than 6 metres from any other trailer, caravan or park home that is occupied separately.

4.48   Other structures are allowed in the separation zone if they are made of non-combustible materials (such as a brick built amenity building), as long as they do not impede means of escape. For further guidance refer to the Model Standards for Park Homes.

Inclusion of space for work/animals

4.49   Gypsy and Traveller sites are essentially residential and those living there are entitled to a peaceful and enjoyable environment. Draft Communities and Local Government guidance on site management proposes that working from residential pitches should be discouraged and that residents should not normally be allowed to work elsewhere on site.

4.50   Where significant commercial or other work activity is still envisaged for a site it is very important to ensure that the site is delineated so that residential areas are separated from areas for commercial or work use.

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[10] *Manual for Streets*, Department for Transport (2007)

4.51   This also applies to the inclusion of space for keeping animals. Where there is demand for space for animals and where the site provider is satisfied that it may be reasonable and practicable to include this, a grazing area for horses and ponies could be provided, to reflect the cultural use of the horse as a traditional means of transport.

4.52   However grazing may be problematic and an adequate supply of grass difficult to sustain through over use when demand is high. Site managers may also enquire whether owners of land on the periphery of the site have surplus land for this purpose that could be provided at a reasonable rent.

Chapter 5

Site services and facilities – permanent sites

Introduction

5.1   As for any other kind of accommodation, consideration must be given to the infrastructure needed to support Gypsy and Traveller sites so that they meet the needs of residents and support good relations with people living nearby.

Water supply

5.2   It is essential for a mains water supply suitable for drinking to be provided for each pitch on the site, sufficient to meet the reasonable demands of residents. Water supplies must comply with current legislation, regulations and British Standards. Ideally water meters will be provided in amenity buildings by the relevant local authority for each pitch and must be for domestic usage.

5.3   Water pressure must be sufficient to enable the use of fire hydrants by the emergency services which should be at a convenient place near to the front of the site.

5.4   Provision of an outside tap on each pitch is strongly recommended.

Electricity supply

5.5   The provision of mains electricity to each pitch is essential, sufficient to meet the reasonable requirements of the residents, and with separate meterage for each pitch. Ideally electricity meters will be provided in amenity buildings for each pitch by the relevant supplier directly and must be for domestic usage.

5.6   It is essential that underground cabling is adequately earthed and complies with current electrical installation regulations. Electrical installations must be inspected annually. All electrical work must be carried out by competent and appropriately qualified personnel.

Connection points

5.7   Consideration may be given to providing more than one electricity and water access point on each pitch to allow for trailers to be realigned either through resident's choice, family expansion or to cater for visitors.

5.8.   Every effort should be taken to ensure that systems are in place to provide services to individual households, for payment purposes, and not sold from a central distribution point on site (see Chapter 5 with regard to metering).

Gas supply

5.9   It is essential that gas installations, supplies and storage meet statutory requirements, relevant standards and codes of practice. Storage facilities compliant with health and safety regulations for Liquid Propane Gas cylinders must be provided[11]. Since the guidance on storage is complex, developers and managers of sites are advised to see advice from their local environmental health services.

5.10   It is essential that any mains gas installation is inspected and certified as safe on an annual basis.

5.11   Provision of a mains gas supply is recommended for amenity buildings on pitches and, if supplied, must be compliant with current gas installation regulations[12].

Oil fired central heating

5.12   Installations for oil fired central heating should meet Part L of the Building Regulations 2007 together with appropriate storage and safety arrangements in case of oil leaks.

Drainage

5.13   Surface water drainage and storm water drainage must be installed. All drainage provision must be in accordance with current legislation, regulations and British Standards[13].

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[11] LP Gas Association: *Code of Practice 7: Storage of Full & Empty LPG Cylinders and Cartridges*

[12] *Safety in the installation and use of gas systems and appliances Approved Code of Practice and guidance* L56 HSE Books (1998)

[13] *Planning Policy Statement 25: Development and Flood Risk* (PPS25) and *Manual for Streets* Department for Transport (2007) Chapter 11.

5.14 This should be given early consideration in both site selection and scheme design.

5.15 Smaller drain covers could be considered as these can assist in preventing foreign objects becoming accidentally lodged in soakaways and gulleys.

5.16 Gypsy and Traveller sites may offer opportunities for implementing a Sustainable Drainage Systems (SUDS) approach for dealing with surface water drainage management whereby surface water runs off to either natural water courses or municipal systems.

5.17 More information on this and other surface water drainage issues can be found in section 11 of the Department for Transport's *Manual for Streets* (2006).

5.18 It is recommended that consideration be given to the inclusion of interceptors within the drainage system to ensure protection against petrol, oil and other absences within the surface of the water case system.

Sewerage

5.19 Wherever possible, each pitch should be connected to a public sewer when it is economic to do so. Where this is not possible provision must be made for discharge to a properly constructed sealed septic tank. All sanitation provision must be in accordance with current legislation, regulations and British Standards[14].

5.20 Consideration should also be given to additional waste disposal connection points as an outfall from resident trailers to avoid any problems over unauthorised connections.

5.21 The case study below illustrates the important influence that essential services have on quality of life.

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[14] *Part H of the 'Building Regulations* (2000), and *Sewers for Adoption – Water UK* (2006) *Sewers for Adoption* 6th edition Swindon WRc plc

Case Study 3

Abbey Close site, Hackney

The story of the Abbey Close site in Hackney, East London illustrates the importance of good services to the lives of Travelling communities.

In 1995 there were sixteen Irish Traveller families living on three tolerated sites in the Borough with no running water or toilets. When the area was due for regeneration, the families made representations and the council found a piece of land to be used as a temporary site until funding could be found to upgrade it and a second piece of land to adequately accommodate all the families. Sixteen families moved onto the temporary site. There was only a cold water standpipe provided for the families to share, and a portaloo for each family. The site was overcrowded, with no proper demarcation between pitches and poor drainage.

By 1999 the Travellers had secured strong support from the local community and the local councillor, who was also the Deputy Mayor. Despite this a shortage of funding delayed significant improvements. Some families moved off as they could no longer tolerate the lack of facilities, and others were given pitches on a nearby official site when they came vacant. The remaining families continued to campaign for better conditions with support from local community organisations and some improvements were made, for instance the provision of electricity, hardstanding and additional standpipes.

In 2002 funding was secured to refurbish the site and families were relocated during building works. The refurbished site provides each family with a clearly demarcated pitch with a private detached or semi-detached brick-built utility block, including a modern fitted kitchen and bathroom. The utility buildings, site boundaries and pitch boundaries are entirely in keeping with the architecture and features on surrounding estates and blend in well. The families were involved in all aspects of the site design and kept fully informed throughout, thereby able to ensure that design mistakes were kept to a minimum. In order to accommodate all the families left on the temporary site the pitches are small for growing young families, but the location and community support is ideal.

In September 2003 the remaining six families returned to the site, a 'Welcome Home' banner at the local school, and an opening ceremony that was attended by neighbours from the adjacent estates.

Lighting

5.22   Sufficient lighting must be provided on the site to enable safe access and movement through the site at night for both pedestrians and vehicles.

5.23   The street lighting arrangements should be planned to minimise the risk of damage through vandalism and avoid problems of light pollution to the homes on the site through light shining directly into caravans, amenity buildings or park homes. It should be planned to properly illuminate access roads and access to residential pitches.

5.24   Consideration should also be given to the introduction of three quarter length light pillars where there is a prospect that the site may create light pollution for the neighbouring community residing outside the site.

5.25   It is recommended that external lighting is provided on each amenity building to ensure safe access.

5.26   Solar powered street lights have been considered for inclusion on some sites to reduce energy use but have been found to be very expensive. It is recommended that a cost analysis case be undertaken to verify the financial viability of installation before proceeding.

5.27   More information on street lighting issues can be found in section 10 of the Department for Transport's *Manual for Streets*.

Waste disposal, scrap and storage

5.28   Residents of Gypsy and Traveller sites should receive the same waste disposal arrangements at their home as any other member of the community. Standard domestic waste disposal arrangements must be provided for each pitch in accordance with local authority requirements for the disposal of domestic waste[15]. A key element in designing the layout of the site is to ensure that sufficient space exists for local authority refuse collection vehicles to reach an appropriate point from which waste can be collected from individual pitches, as well as any communal refuse areas.

5.29   More information on this issues can be found in section 6 of the Department for Transport's *Manual for Streets*.

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[15] *Planning Policy Statement 10: Planning for Sustainable Waste Management* (PPS10) and *Schedule 1, Part H of the Building regulations* (2000)

5.30   It is recommended that consideration be given to including a recycling collection point on the site where it is not in close proximity to one in the neighbouring vicinity.

5.31   Experience on some sites has shown that communal refuse areas can actually encourage fly-tipping and the accumulation of non-domestic waste. If a communal refuse area is deemed necessary (in addition to individual refuse collection for each pitch), this should be designed and located so as to be convenient, accessible, robust and inconspicuous. It should be located away from close proximity of individual pitches and from access points to the site, to ensure that fire service vehicles can enter the site and deal with any fire which might break out there.

Post

5.32   The site should be designed so that post can be delivered separately for each pitch. Experience has shown that postal deliveries to pitches can be disrupted by complaints about harassment by dangerous dogs so the provision of an individual box at the entry to a pitch would be advisable.

5.33   Consultation has shown that a simple but key element in helping to avoid discrimination against the residents of a Gypsy and Traveller site is to allocate site and pitch addresses which are of a similar nature to those for the settled community – and which do not highlight that the accommodation is site based.

Communal facilities

5.34   Paragraphs 3.1–3.7 of this guidance outlined the key factors necessary for the right location for a sustainable site. Where these factors have been met it is likely that site residents will be in reasonable proximity of the facilities enjoyed by the community generally.

5.35   Where a site is isolated from local facilities however, either by distance or through lack of adequate public transport facilities and/or is large enough to contain a diverse community of residents rather than one extended family, provision of a communal building is recommended. This facility can be an important resource in sustaining a more remote site, offering an opportunity for visits by health visitors, youth workers and education services, as well as for use by site management and residents alike.

5.36   Any such building should include:

- Community room
- Toilets (male and female)
- Kitchenette.

5.37   Ideally it should be situated in a location towards the front of the site, to be accessible to all the community, not just site residents, and if promoted and managed well can help encourage good relations between the Gypsy and Traveller and neighbouring communities.

Chapter 6

Health, safety and accessibility – permanent sites

Introduction

6.1   Everyone should be able to live in a home that is safe, whether that home is a house, a flat or a trailer. Health and safety considerations and requirements for sites are included throughout this guidance. Additional guidance is provided below.

Risk assessment

6.2   It is essential that site owners undertake a risk assessment of the site during the initial design stage, including the homes on the site.

Fire safety

6.3   Fire safety law changed in October 2006 with the introduction of the Regulatory Reform (Fire Safety) Order 2005 (the Order). The Order applies in England and Wales. It covers 'general fire precautions' and other fire safety duties, which are needed to protect 'relevant persons' in case of fire in and around most 'premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

6.4   Caravan sites come under the scope of the Order ("premises" includes 'any place') and is not excluded by article 6. (1). The only areas excluded by article 6. (1) are those covered by the interpretation of "domestic premises" ie *premises occupied as a private dwelling (including any garden, yard, garage, outhouse, or other appurtenance of such premises which is not used in common by the occupants of more than one such dwelling*). Caravans are considered private dwellings and as such fall under the category *"domestic premises"* and are therefore excluded from the Order. Any common areas on the site used by the occupants of more than one caravan come under the Order. The Order also applies to any amenity buildings on the site.

6.5   Responsibility for complying with the Order rests with the 'responsible person'. In the case of a caravan site, this could be an employer or any other person who may have control of any part of the site, eg occupier or owner, manager etc.

6.6   The 'responsible' person must carry out a fire risk assessment, which must focus on the safety in case of fire of all 'relevant persons'. It should pay particular attention to those at special risk, such as children, and must include consideration of any dangerous substance liable to be on the site. Fire risk assessment will help identify the risks that can be removed or reduced, and to decide the nature and extent of the general fire precautions that need to be taken.

6.7   The significant findings of the assessment should be recorded if the site is licensed or the site operator (eg the local authority) employs five or more staff, however, it is good practice to record the significant findings in any case.

6.8   The Order requires the 'responsible person' for the site to take such "general fire precautions" as will ensure, so far as is reasonably practicable, the safety of any of his employees and other relevant persons. General fire precautions include measures to reduce the risk of fire on the premises and the risk of the spread of fire on the premises (eg on the caravan site). Further guidance can be found in the Model Standards, for Park Homes. For example:

   i.   Pitches should be no more than 30 metres from a fire point. Fire points must be housed in a weatherproof structure, easily accessible and clearly and conspicuously marked 'Fire Point'. A clearly written and conspicuous notice should be provided and maintained at each 'Fire Point' to indicate the action to be taken in the case of fire, including details of the muster point. The Model Standards for Park Homes provide more detailed guidance.

   ii. Water standpipes, hydrants, or fire extinguishers should be provided on each site as determined by the risk assessment and as informed by consultation with the local fire officer. All equipment should conform to relevant British/European standards. The Model Standards for Park Homes provide more detailed guidance.

   iii. A means of raising the alarm in the case of fire should be provided at each fire point. This must be appropriate to the size and layout of the site and informed by consultation with the local fire officer. The Model Standards for Park Homes provide more detailed guidance.

iv. All alarm and fire fighting equipment should be installed, tested and maintained in working order by a competent person. All equipment susceptible to frost should be suitably protected.

6.9 The level of necessary safety (or service) must be dictated by the findings of the risk assessment. The responsible person must be prepared to show that what has been done complies with any requirements or prohibitions of the Order irrespective of whether you have relied on a particular standard.

6.10 A series of guides and checklist have been developed which may assist the 'responsible person' to comply with the fire safety law and provide help to carry out a fire risk assessment. These guides and checklist are available from the Communities and Local Government website.

Accessibility

6.11 All private or communal buildings on the site must be provided to mobility standards as specified within Part M of the Building Regulations 2000. Developers must also have regard to the requirements of the Disability Discrimination Act 2005 both when designing the site and during refurbishment planning.

6.12 When considering the extent to which pitches, parking spaces and amenity buildings should be suitable for wheelchair users, reference should be made to local Gypsy and Traveller Accommodation Needs Assessments. Where no need has been identified it is recommended that at least one pitch in 20 on a site of such size, or one pitch per site where smaller, be constructed to meet the needs of a disabled resident as a contingency for future demand. Where provided, these should be consistent with the standards for housing for wheelchair users as set out in the Housing Corporation's Design and Quality Standards and other related guidance[16].

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[16] *Meeting Part M and Designing Lifetime Homes* The Joseph Rowntree Foundation (1999), *Wheelchair Housing Design Guide*, Construction Research Communications Limited (1997), *Inclusive Mobility*, Department of Transport, (2005)

Chapter 7

Individual pitches – permanent sites

Layout of pitches

7.1   The layout of pitches will be dependent on the layout of the overall site. There will be different views about whether to have grassed areas and amenities at the front, back or side of the pitch. Discussion with the local Gypsy and Traveller community will be useful, however developers need to consider future as well as current or prospective residents.

7.2   Each pitch should be clearly demarcated to make it entirely clear what each individual household may occupy in return for the fee paid and their responsibilities for the pitch they occupy. A range of different boundaries may be used including fences, low walls, hedges and natural features. The aim should be to achieve a boundary that is clear but which is sympathetic to, and in keeping with, the surrounding area.

7. 3   Pitch boundary fences should provide a balance between good neighbourliness and privacy. For example fencing between pitches could be up to 6 feet in height, particularly where amenity buildings would otherwise be overlooked, whereas 4 foot high fencing around the front of the pitch will offer good surveillance of the road and the site in general.

7. 4   More information on designing for privacy can be found in *Better Places to Live by Design* and section 6 of *Manual for Streets*, Department for Transport (2007).[17]

Hard standing

7.5   Each pitch must include a hard standing area constructed of concrete or a similar suitable hard wearing material which extends over the whole area to be occupied by a trailer, touring caravan or other vehicle. These standings must be constructed in accordance with the industry code of practice[18] and project a sufficient distance outwards to enable occupants to enter and leave safely. The base must be sufficient to bear the load placed on it by the home or vehicle and its contents, and the anticipated level of vehicle movement.

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[17] *Better Places to Live by Design: A Companion Guide to PPG3*, DTLR, 2001
[18] The 'Gold Shield' which specifies compliance with BS 3632:2005 Residential park homes

7.6   Hardstanding should be part of the landscape design. The pitch width need not be entirely paved but could be designed to break monotonous design with soft landscape. Where soft landscaping is adopted in the design consideration should be given to the inclusion of a storage facility on each pitch for residents to keep equipment to maintain it.

7.7   Local authorities and other developers should consider the environmental impact of the site and the measures that might be taken to improve sustainability. For example, the inclusion of separate identifiable containers for the collection of recyclable waste and provision of water butts is recommended.

Size of pitch

7.8   In common with some other ethnic minority communities, some Gypsies and Travellers often have larger than average families, for instance where members of an extended family live together. For this reason there is likely to be much greater demand amongst these communities for large family units, and small pitches may become quickly overcrowded. Larger than average family sizes, alongside the need for vehicles for towing trailers and for employment also creates particular requirements for parking.

7.9   There is no one-size-fits-all measurement of a pitch as, in the case of the settled community, this depends on the size of individual families and their particular needs. In designing a new site, account should be taken of the likely characteristics of families on the waiting list and identified as a result of the Gypsy and Traveller Accommodation Needs Assessment, as there may be a larger element of families with children approaching teenage years, who are likely to need to supplement their accommodation with one or two additional small touring caravans on the pitch as separate sleeping accommodation, until their children are old enough to move on to a separate pitch.

7.10   Some families may also be in possession of larger mobile homes and one or two pitches should be designed where possible to cater for that possibility (see also paragraphs 4.17–4.19 re manoeuvrability).

7.11   Alternatively, potential residents may be single or elderly members of the community, who would not need a pitch of the same size.

7.12   Nevertheless, as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area.

7.13 Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle).

7.14 Individual parking spaces should be a minimum of 2.4 × 4.8 metres[19].

7.15 Where space permits the inclusion of a garden or playspace on each pitch is recommended.

7.16 Drainage falls must comply with Part H of the Building Regulations 2000. Ideally the pitch should be level apart from drainage falls.

Amenity buildings

7.17 It is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self contained semi-detached units. The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.

7.18 The amenity building must include: secure storage space for harmful substances/medicines; enclosed storage for food, brooms, washing, cleaning items etc; and space for connection of cooker, fridge/freezer and washing machine. The provision of a gas hob could be considered.

7.19 The inclusion of a day/living room in the amenity building for family meals is recommended. The day/living room could be combined with the kitchen area to provide a kitchen/dining/lounge area. It is desirable that the day/living room should not be part of essential circulation space, nor contain essential storage. Many existing amenity buildings do not of course contain this facility but inclusion in new sites would replicate the provision of a living room as enjoyed as standard by other sectors of the community. A plan of a typical modern amenity building is featured at Annex B.6.

7.20 The design and construction of amenity buildings must meet the requirements of the current Building Regulations, the Institution of Electrical Engineers regulations[20], and the Local Water Authority and should also meet the Housing Corporation Design and Quality Standards. Materials used must comply with the relevant British Standard Specifications and Codes of Practice and must provide for durable and low maintenance buildings. Its construction should be sympathetic to local architecture, attractive and of a domestic nature and meet the requirements of PPS3.

[19] *Manual for Streets*, Department for Transport, (2007)

[20] *IEE Wiring Regulations* (16th Edition) available at www.iee.org

7.21 It is recommended that amenity buildings incorporate cost effective energy efficiency measures. The building layout and construction should be designed to maximise energy conservation and the use of passive solar gain. All mechanical and electrical systems should be as energy efficient as possible. Consideration should be given to the insulation of plumbing systems, the use of low energy light fittings and appropriate heating and ventilation systems. Any opportunities for using energy from renewable sources should be considered. It is desirable to produce an assessment of materials and construction techniques proposed for the site against standards set out in *The Green Guide to Housing Specification*[21].

7.22 Adequate and sensibly situated electrical outlets, switching and controls should be installed throughout the amenity building.

7.23 Means of heating should be installed throughout the amenity building which provides temperatures suitable for room use, which is economical and capable of individual control for each room.

7.24 The width of main entrances, doorways and passageways must comply with building regulations to ensure mobility standards.

7.25 Fixtures and fittings in the amenity building should be of a domestic nature, but robust.

7.26 In line for standards for social housing other recommended features[22] include:

- Glazing lines in living/dining areas that are no higher than 810mm above floor level
- Hot water taps to baths with a thermostatically controlled supply
- Adequate screening and wall tiling provided where showers are provided over baths
- A worktop-cooker-sink-worktop sequence that is not broken by doors, passages or tall units
- A 1.2 metre run between the cooker and sink
- A 500 millimetre minimum clear work top each side of the cooker, and wall units set back minimum 100 millimetres
- A space for additional equipment such as a microwave
- Walls in bathrooms and WCs must be designed to take support aids
- Smoke/fire detectors.

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[21] *The Green Guide to Housing Specification* available from the Building Research Establishment at www.bre.co.uk

[22] Design and Quality Standards, Housing Corporation

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Case Study 4

Severalls Lane Site, Colchester

Work on the proposed new site at Severalls Lane, Colchester began in 1999 with planning consent given in November 2006. The aim was to provide a site to accommodate Gypsies and Travellers living in or regularly travelling to the Colchester area. The Gypsy and Traveller community was involved in the design from the very start. They worked with the surveyors on the drawings and visited sites of different designs to highlight what did and didn't work on these existing sites. The site plans were finalised with the agreement of the Gypsy and Traveller community – both those working closely with the surveyors and other people living on existing sites.

The site is within easy access of a major trunk road, whilst still offering both privacy and good access to local services. The access road will be a bituminous macadam road surface. The internal oval road block will be paved and have strategically placed speed restricting ramps. The road layout allows for manoeuvring static units on and off all pitches. There will be a site manager's office with good storage space and a secure refuse/recycling area.

The new design provides a 12 pitch site around an oval shaped road, with a central fenced play area, creating a safe environment for children to play where they can be seen from all 12 pitches. Close boarded fencing will be provided between each pitch to give privacy and avoid loose debris, such as leaves, being blown across the site and into pitches. The delineation of individual pitches was regarded as a 'must', and Gypsies and Travellers were keen to avoid a 'no mans' land' which could encourage fly tipping.

Pitch sizes allow for the accommodation of up to three caravans, or one large static trailer plus a touring caravan to allow for travelling during the year. There will be different surfaces within the pitches. Apart from the necessary concrete hard standing there will be tarmac areas and a red brick paved patio and footpath around the amenity buildings. Each pitch will have a small garden area to the rear of the pitch where there will be a footpath access and hard standing for a shed or kennel and a position to stand a rotary line for washing. The Gypsies and Travellers requested this to allow for a place to hang the washing that would not impact on the look of the site from the access road.

Each pitch will have a semi-detached single story amenity building. These will be larger than those on the majority of existing sites, with a kitchen and separate lounge/dining area, plus a bathroom and storage space. The living area will look out to the front of the site to allow for views across it. To avoid the 'institutional' look of the amenity buildings on the existing site, a variety of building materials will be used.

Some will be brick built, others will be half-brick, half-weather boarding. The material for the roof will be either plain tiled or slate. There will be hardwood domestic front doors to each amenity building. There will be a post box at the front of the pitch to allow for individual delivery of mail without a need to access the pitch.

Chapter 8

Transit sites

Introduction

8.1   Although transit sites may be in use all year round, they are not intended or designed to be used as permanent accommodation by individual households. The guidance below therefore reflects that expectation. However developers should note that, in the past and due to the shortage of permanent sites, some transit sites have become permanent sites by default, even though the standard of facilities provided are not conducive to long term stays.

8.2   Views are mixed on the extent to which transit pitches can be successfully provided on permanent sites. Where this has been successful the transit pitches are usually provided adjacent to the main site, or at one end of it.

Site selection/location

8.3   The guidance for permanent sites largely also applies to transit sites except that the importance of proximity to community facilities is primarily in respect of the need for access to schools.

8.4   The presence of children on the site, and potential health and safety risks for them and other residents should receive equal consideration for transit sites.

Site layout, access and orientation

8.5   **Number of pitches** – For a transit site to be easily managed it has been shown that the number of pitches should not normally exceed 15.

8.6   **Site boundaries** – The guidance for permanent sites applies.

8.7   **Orientation of pitches** – The guidance for permanent sites applies.

8.8 **Health and safety** – The guidance for permanent sites applies.

8.9 **Access for emergency vehicles** – The guidance for permanent sites applies.

8.10 **Security** – The guidance for permanent sites applies.

8.11 **Balance between soft and hard landscaping** – The guidance for permanent sites applies although soft landscaping on transit sites can be more difficult to maintain. As transit sites are only intended for short stays there is less need for soft landscaping but this does not rule out maintaining the general ambience of the site to a limited and cost effective degree.

8.12 **Parking** – In the light of experience it is recommended that parking space for at least two vehicles is provided on each individual pitch at a minimum size of 2.4m x 4.8 metres each.

8.13 **Density and spacing between vehicles** – The guidance for permanent sites applies, except where the local Fire Officer has agreed alternative arrangements that provide the same degree of fire safety.

8.14 **Inclusion of work/animal space** – The guidance for permanent sites applies.

Site services and facilities

8.15 **Accommodation for a Resident Manager** – Transit sites may present particular management challenges and depending on local circumstances and sufficient usage, it is recommended that provision is generally made for a resident manager. As the resident manager will be living on the transit site on a semi-permanent basis, facilities for the manager should comply with the guidance for permanent sites, including the provision of an amenity building. A plan of a typical resident manager's accommodation, with office area, is at Annex B.7.

8.16 **Water supply** – The guidance for permanent sites applies.

8.17 **Electricity supply** – Where possible, the guidance for permanent sites applies, although in practice a central electricity supply administered by the site management may be provided, which would entail residents paying by meter or being charged cash retrospectively.

8.18 **Gas supply** – Mains gas supplies are not applicable to transit sites.

8.19 **Drainage** – The guidance for permanent sites applies.

8.20 **Sewerage** – The guidance for permanent sites applies.

8.21   **Lighting** – The guidance for permanent sites applies.

8.22   **Waste disposal** – Waste disposal for individual pitches on transit sites is recommended. Communal refuse disposal should be provided which is convenient (but away from pitches and associated dwellings on site), fenced off, robust and inconspicuous.

8.23   **Sluice** – A sluice should be provided on each site.

Health and safety

8.24   **Risk Assessment** – The guidance for permanent sites applies.

8.25   **Fire Safety** – The guidance for permanent sites applies.

8.26   **Accessibility** – The guidance for permanent sites is optional.

Individual pitches

8.27   **Hard standing** – The guidance for permanent sites applies.

8.28   **Size of pitch** – It is important to ensure that wherever possible each pitch is of a size sufficient to accommodate two touring caravans, two parking spaces and private amenities.

8.29   **Private amenities** – It has been found that the majority of Gypsies and Travellers prefer private amenities on each pitch including a toilet, wash basin and shower with hot and cold water supply. An illustration of a simple fixed utility building for a transit site is at Annex B.8).

8.30   Depending on the degree of usage, consideration could be given to providing portable facilities on a transit site to meet these needs. Where transit sites are empty for lengthy periods there is a risk of vandalism to facilities and it may be preferable for these to be removed until the site is reoccupied. In adopting this approach, it is sensible to ensure that permanent waste and water pipework is in place for facilities to be easily reinstalled.

Case Study 5

Clearwater Site, Chichester

The Clearwater site, near Chichester, is an example of a privately owned and run site which incorporates both permanent and transit pitches. It is a very attractive, green site on the edge of a village in a rural location, and with good access to the road network. The owner has planned the site specifically to enable future growth in both the number and size of households, without members of the extended family having to be overcrowded, displaced to another site or left homeless.

The owner recently received planning permission to add six transit pitches to the existing permanent site. It will not operate as an openly available transit site but will be available to family and other visitors of existing residents. Each transit pitch will have its own amenity building with toilet, shower and kitchen. Pitches will have space for two trailers, and planting is used to mark the boundary between each.

There are four permanent pitches on the site, with space for a further four to accommodate future needs. The pitches are spacious, and each incorporates an amenity building which is 10' wide by 20' long, with kitchen/laundry and bathroom.

There is a children's play area on the site. Residents are able to graze animals on the adjoining field.

Chapter 9

Temporary Stopping Places

Introduction

9.1   Temporary stopping places accommodate intermittent needs for site accommodation for which a charge may be levied as determined by the local authority concerned. They are not occupied all year around but may be made available at times of increased demand, such as fairs or cultural celebrations that are attended by Gypsies and Travellers.

9. 2   The guidance below sets out the important features of temporary stopping places.

Site selection/location

9.3   Temporary stopping places should provide safe and convenient access to road networks and be located so as to cause minimum disruption to surrounding communities.

9.4   When considering the suitability of different sites, the potential presence of young children and any risks that may arise due to adjoining land uses must be considered.

Site layout, access and orientation

9.5   It is important to provide markings or barriers to encourage residents to park safely, allow access for emergency vehicles, and enable maximum use of the site in accordance with its intended capacity and fire safety standards. Particular regard must be given to the need to ensure a safe distance between trailers/caravans and other structures made of combustible materials. The advice of the Local Fire Officer must be sought during the planning of temporary topping places.

9.6   The road to and from the site must be of sufficient quality and size to enable access onto and off the site by heavy vehicles such as trailers.

9.7   There must be a clear barrier around the emergency stopping place to discourage unauthorised expansion of the site.

Site services and facilities

9.8   It is essential for a cold water supply to be provided for the use of site residents which may be by use of water standpipe or bowser.

9.9   Portaloos must be provided for the use of residents, with separate provision for men and women. There must be at least one portaloo for every four households on the site.

9.10   It is essential for a sewerage disposal point to be provided.

9.11   Refuse disposal facilities should be provided.

Health and safety

9.12   The guidance for permanent sites applies.

Chapter 10

Consultation

Introduction

10.1   This guidance is not intended to replace local consultation with Gypsies and Travellers and other key agencies. Local consultation should include:

- Gypsies and Travellers from the communities whose needs will be met on the site, including if possible, the families who will move onto the site at first let
- Planners – from the very first stages of site identification
- The Fire Officer
- The Police, for advice on site security
- The Local Highway Authority
- Site managers and maintenance officers who can advise on the design features that can promote good management and keep costs to a minimum.

10.2   The same principles apply to consultation on Gypsy and Traveller sites as with other refurbishment projects and new developments. Very few architects and developers will have first hand experience of living on a site as part of a Gypsy or Traveller community, and consultation with Gypsies and Travellers will be crucial to ensuring the site works successfully.

10.3   The needs and preferences of those who will live on the site should be given full consideration and should be met as far as is possible within available resources. People who have lived on sites for most or all of their lives are in the best position to advise on what works well and what doesn't for a particular community. However, the needs of those people who will move onto the site at first let, will need to be balanced with the needs of those who may live on the site at a later stage.

When to consult?

10.4   Gypsies and Travellers should be consulted throughout all stages of the design process, including site identification through the local authority's Local Development Framework. Local communities can be aware of factors which, despite site shortages, could prevent take up of site places in particular areas.

Consultation

Evidence provided to Select Committee

"Gypsy and Traveller families often wish to have small compact and well-managed sites located in areas where they have historically resided and have a network of local family support. Local authorities have in the past tended to provide accommodation in inappropriate areas and the sites have therefore not always been used to their full potential. As with the settled community, Gypsy families prefer clean well-managed sites where there is no fear of retribution from problem families and they can enjoy a peaceful coexistence. […]. Caution should be used when seeking locations for sites to ensure that they are based on need in a particular area and not the availability of inappropriate land for alternative uses. Traditionally, Gypsy sites have been located on land which is inappropriate for alternative uses and this, in itself, has caused problems both for the Gypsy community and for Site Managers."[210]

10.5   There is no reason why Gypsies and Travellers cannot be included in all design meetings with architects, so that expensive design mistakes are not made and so that professional perceptions of what will work well can be challenged if necessary at an early stage.

Methods of consultation

10.6   Local authorities should now have an established record of joint working with the Gypsy and Traveller community following the conduct of Gypsy and Traveller Accommodation Needs Assessments. It is recommended that an RSL wishing to work with these communities for the first time consult with the appropriate local authority at the outset to secure its own introductions.

10.7   Where difficulties remain introductions can usually be secured through other organisations which already have a good working relationship with members of these communities. This is often the case for the Traveller Education Service and health advocates, but may not necessarily be the case for existing site managers/liaison officers, some of whom may have an enforcement role that has brought them into conflict with the communities in the past.

10.8   Participation will be greatly improved by holding the consultation in familiar and informal surroundings that are easy to get to, comfortable and warm. The office of a local organisation working with Gypsies and Travellers, or a local community building might be appropriate for instance.

10.9   There are low levels of literacy in some sections of the community. It is important therefore that consultation does not rely on written methods such as leaflets, surveys or feedback forms. Face to face consultation which enables Gypsies and Travellers to influence rather than just respond to the consultation agenda is important. Provision of models and computer generated images of proposed site development will also help prospective residents visualise the outcome and help identify useful refinements which may not otherwise be immediately apparent.

10.10 In some cases it may be appropriate to use a small number of people from the communities to represent their interests, however there is a danger with this type of approach that the perspective of some parts of the community will be missed – for instance children, women or men, or older people.

10.11 It would be beneficial to ensure as far as possible that sympathetic and knowledgeable architects and contractors are employed in the site design process. Local authorities could offer an "awareness raising" session on Gypsy and Traveller culture at an early stage with representatives of the local Gypsy and Traveller community, as a means of opening the dialogue and ongoing consultation needed with prospective residents to best ensure the successful design and construction of the site and best value for the money invested in it. Project managers could use suitably qualified and trained tenant liaison officers as used in social housing development.

10.12 The timing of the consultation will be important. For instance women are more likely to be able to take part in consultation that takes place on sites during the day (and outside school pick up hours) whereas men may be more likely to be able to make evening meetings.

10.13 One to one interviews are one method of consulting, but they can be time-consuming and do not provide an opportunity to attempt to resolve differing opinions. Focus groups can be a good way to encourage discussions around matters where there are differing perspectives and where there is a need to achieve a consensus position. If some tensions between different members of the community are anticipated then small meetings or group discussions will work better than large meetings.

10.14 Where prospective site residents or those already living on a site which is to be refurbished have appropriate skills, consideration could be given to proposing their involvement in the work required, provided they are included on the appropriate register of preferred contractors.

10.15 Gypsy and Traveller Accommodation Needs Assessments may gather views on site design and ask about satisfaction with existing sites. This information should be drawn upon where available.

Case Study 6

South Liberty Lane site, Bristol

Bristol County Council used 'Planning for Real' methods to consult with Gypsies and Travellers on the design for a new permanent site. This method of consultation involves making a three dimensional model of the area to be developed/improved. This encourages consultees to consider the area as a whole and how the different elements of their environment impact upon one another. They started by getting Gypsy and Traveller children to make models of the site, and made this into a fun event. The parents then became curious and got involved too. Consultation was carried out on a range of existing sites and at Stowe Fair.

The result of this consultation has been a 'state of the art' 12 pitch site. Many of the features were directly influenced by the consultation, including:

- Semi-detached utility buildings that incorporate a day room, kitchen, bathroom/toilet and separate toilet
- Boiler and central heating in utility buildings
- A variety of power points on each pitch to enable flexible positioning of trailers and caravans and avoid trailing wires
- The use of built-up flower beds to prevent trailers being positioned too close to each other
- Low walls and gates separating each pitch and creating 'defensible' space
- Parking on individual pitches
- Communal playspace for children.

Feeding back on the results of consultation

10.16 It will not always be possible to meet the needs and preferences of everyone and, if the reasons for this are explained clearly, this will normally be understood by participants. As a common courtesy the results of any consultation should always be fed back to the individuals and/or communities concerned. Where it has not been possible to meet the expressed preferences of the community the reasons for this should be clearly explained.

10.17 Once the site has been developed, this consultation process offers the basis of a permanent resident's forum, which can help sustain a good co-operative spirit of consultation between site managers and residents, a key element in managing a site successfully.

Consulting with the settled community

10.18 As for other kinds of development, it is important that members of the local community, whether Gypsies and Travellers or settled residents, are able to feed in views on plans for new sites.

10.19 Misinformation and limited contact between Gypsies and Travellers and the settled community can feed distrust and misconceptions, and these must be challenged and addressed proactively. Opposition from the settled community can delay, and in some cases prevent, the issue of planning permission for new sites. Councils and other developers need to plan for the possibility of such opposition at an early stage in the development and provide accurate information to help overturn negative stereotypes and allay concerns.

10.20 It will be important to demonstrate the need for new site provision in any consultation with the settled community, and the steps that the council or private developer will take to address concerns and deal with problems should they arise.

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Case Study 7

Transit Site Development, Southampton

Southampton City Council has recently granted cabinet approval to allow a planning application to be made for a six pitch transit site on the outskirts of the city.

Local residents were sent a letter and information sheet setting out the proposed nature of the development and inviting them to attend public meetings. A phone hot line, email address and postal address were set up to receive comments.

The proposal was processed through both a full cabinet meeting and cabinet consultation meeting – all of which were open to the public. Local community representatives and individuals spoke at each meeting, as did a member of the Romani Rights Association.

Cabinet decided to defer the final decision for three weeks until after a public information day had been held.

The information day consisted of two drop-in events which were held in different locations both close to the proposed site and a public meeting in the larger of these two venues.

All events were held on the same day, a Saturday between 9 am and 4pm, and were attended by out of area speakers, including the Head of Kent Gypsy and Traveller Unit and the South East Regional Advisor on Gypsies and Travellers, as well local police and council officers from planning, community safety, inclusion, education and other teams.

A series of question and answer sheets were prepared for an Information Day that was attended by 450 local people. These covered: site selection and costs (which included evidence of need for the site); design and environmental matters; security, crime and community safety and having Gypsies and Travellers as neighbours. As well as providing information about the proposed development the sheets also tackled common prejudices head on. Objections from the local settled community focused on fears of increased anti-social behaviour and 'hawking', impact on local traffic conditions, potential overspill onto surrounding land; safety issues linked to the adjoining railway line, and potential negative impacts for local small businesses.

The consultation process demonstrated that the council was prepared to listen to the views of local people and devote resources to addressing concerns raised. As a result of the consultation, the council has set up a management group that includes representatives from local businesses and residents as well as agencies such as the police and schools, which will respond to any issues as they arise. It has also increased security proposals for the site, including the installation of closed circuit television and escalating charges for pitches on the site to discourage overstaying.

Annex A

Key References

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CLG – Model Standards for Park Homes (April 2008)

Commission for Racial Equality. Common Ground – Equality, good practice and race relations and sites for Gypsies and Irish Travellers

Select Committee on Office of the Deputy Prime Minister: Housing, Planning, Local Government and the Regions (Oct 2004) Thirteenth Report

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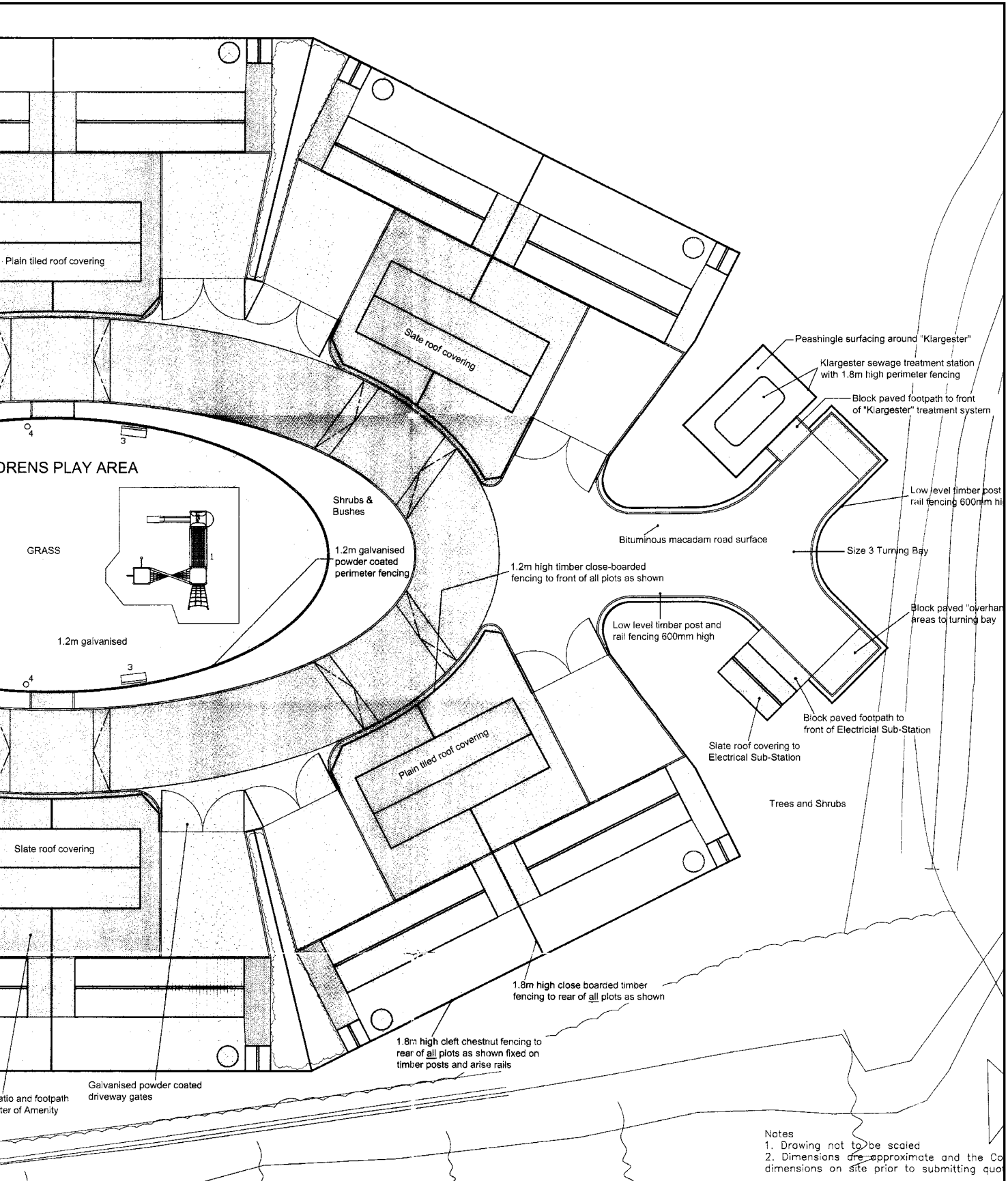Housing Corporation Scheme Development Standards (April 2003)

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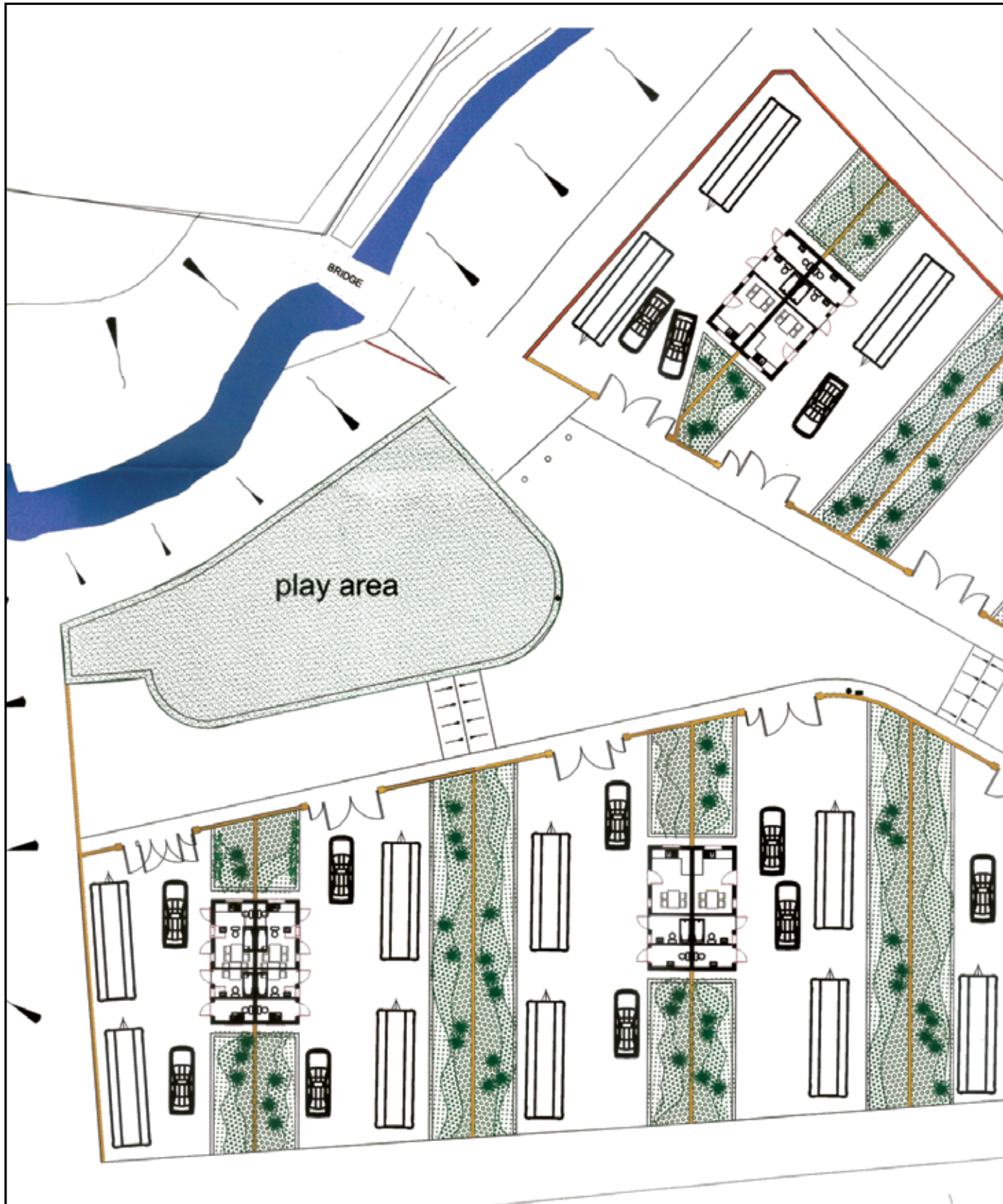
Annex B.1 Circular site design (see para 4.5)

Size 3 Turning Bay

Block paved footpath
to front of refuse area

Refuse / Recycling
compound

Concrete
parking
area

Slate roof covering

Block paved car park

Plain tiled roof finish
to Site Office

12R

Trees and
Shrubs

Shrubs &
Bushes

3

CHILD

Site Office

Bituminous macadam road surface

Speed
restricting
dias

5

2

5

CAR PARK

Block paved footpath
around Site Office

Trees and
Shrubs

Block paved
roadway

12R

3

Galvanised powder
coated car park gates

Plain tiled roof covering

Pitch 1

Amenity building

Pitch 2

Static caravan on
hardstanding

Tenants garden area

Trees and Shrubs

Clothes line

Block paved footpath to
either side of static caravan

Low level shrubs and bushes

Garden
shed

Block paved pa
around perime
Block

Height restrictive barrier

PCC road kerbs to sides of roadway

Bituminous macadam road surface

Plain tiled roof covering

Slate roof covering

Peashingle surfacing around "Klargester"

Klargester sewage treatment station with 1.8m high perimeter fencing

Block paved footpath to front of "Klargester" treatment system

ORENS PLAY AREA

Low level timber post rail fencing 600mm hi

GRASS

Shrubs & Bushes

1.2m galvanised powder coated perimeter fencing

Bituminous macadam road surface

Size 3 Turning Bay

1.2m high timber close-boarded fencing to front of all plots as shown

Block paved "overhan areas to turning bay

1.2m galvanised

Low level timber post and rail fencing 600mm high

Block paved footpath to front of Electricial Sub-Station

Slate roof covering to Electrical Sub-Station

Trees and Shrubs

Plain tiled roof covering

Slate roof covering

1.8m high close boarded timber fencing to rear of all plots as shown

1.8m high cleft chestnut fencing to rear of all plots as shown fixed on timber posts and arise rails

atio and footpath ter of Amenity

Galvanised powder coated driveway gates
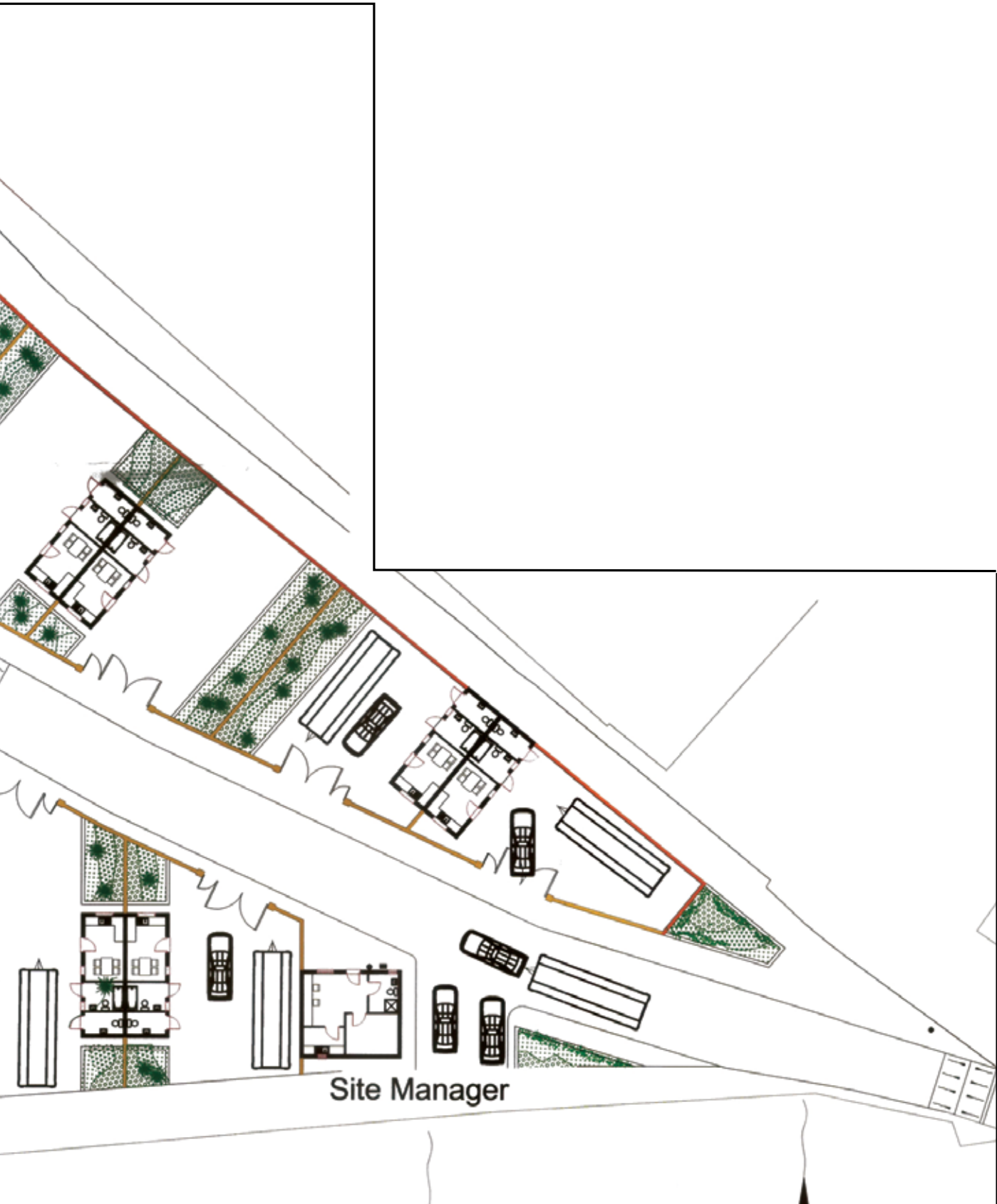
Notes
1. Drawing not to be scaled
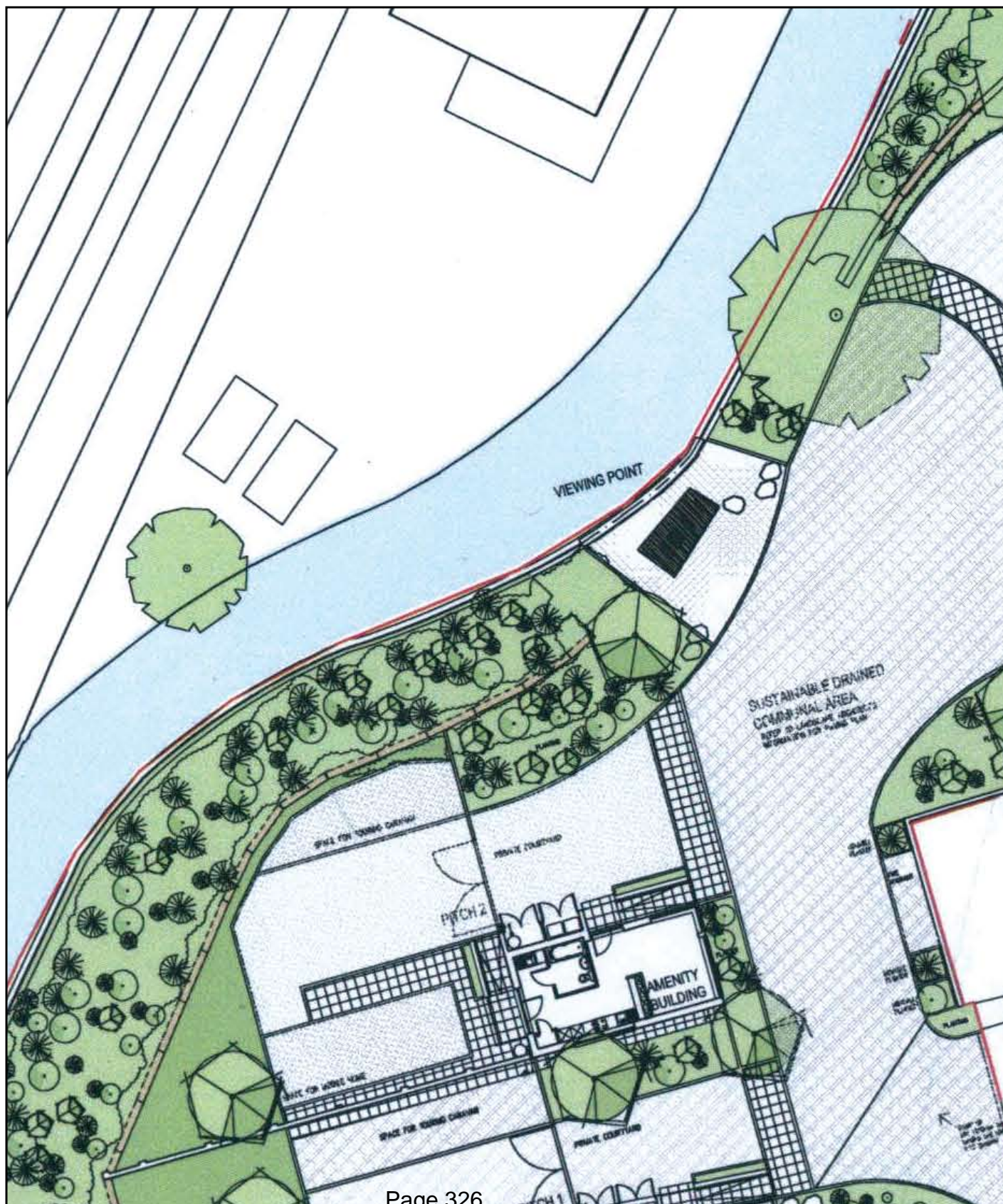2. Dimensions are approximate and the Co dimensions on site prior to submitting quo

Annex B.2 Traditional site design (see para 4.5)

BRIDGE

play area

Site Manager

Annex B.3 Small scale site – urban location (see para 4.7)

VIEWING POINT

SUSTAINABLE DRAINED
COMMUNAL AREA

PITCH 2

AMENITY
BUILDING

Annex B.4 Large site with small individual "closes" (see para 4.9)
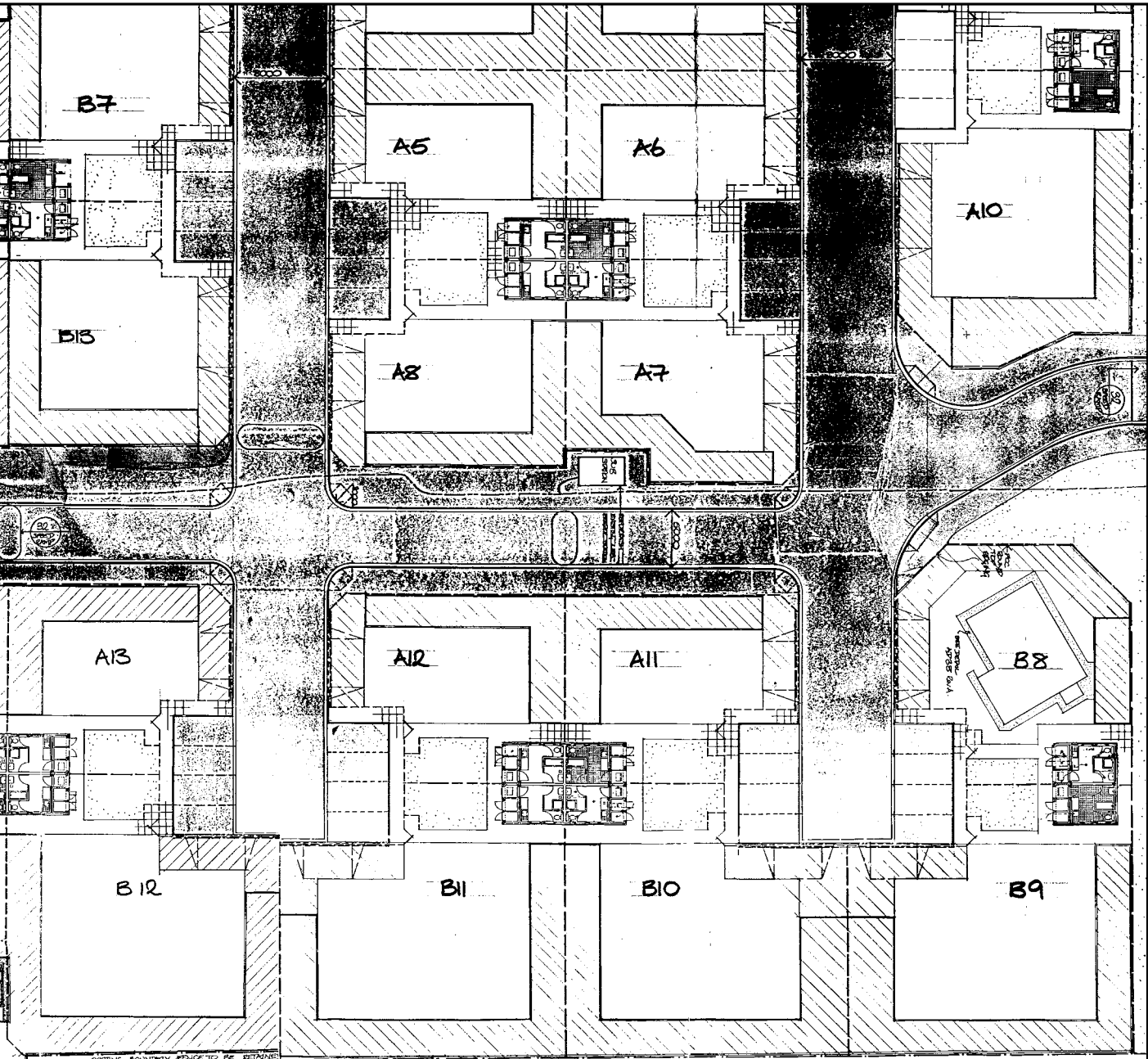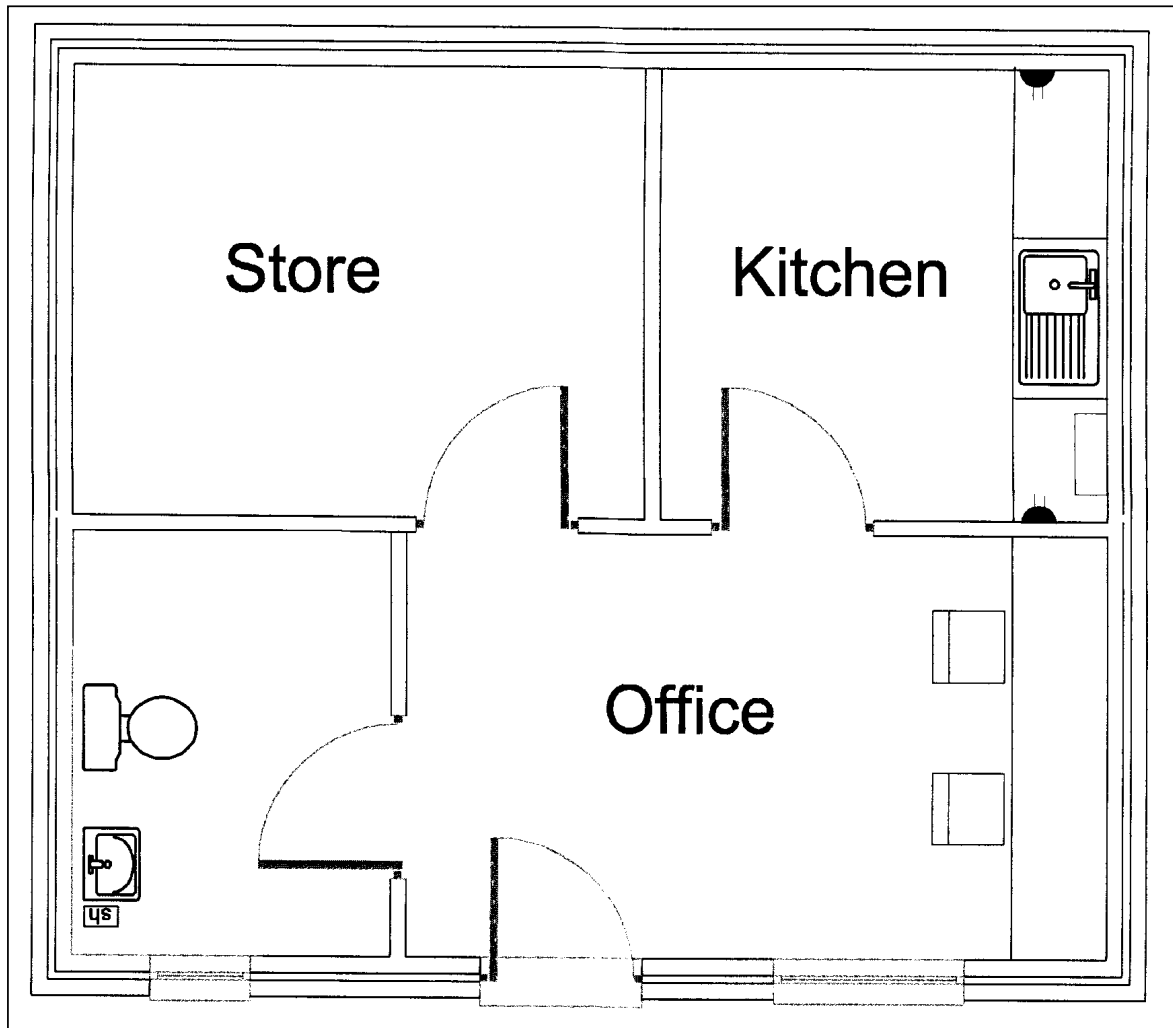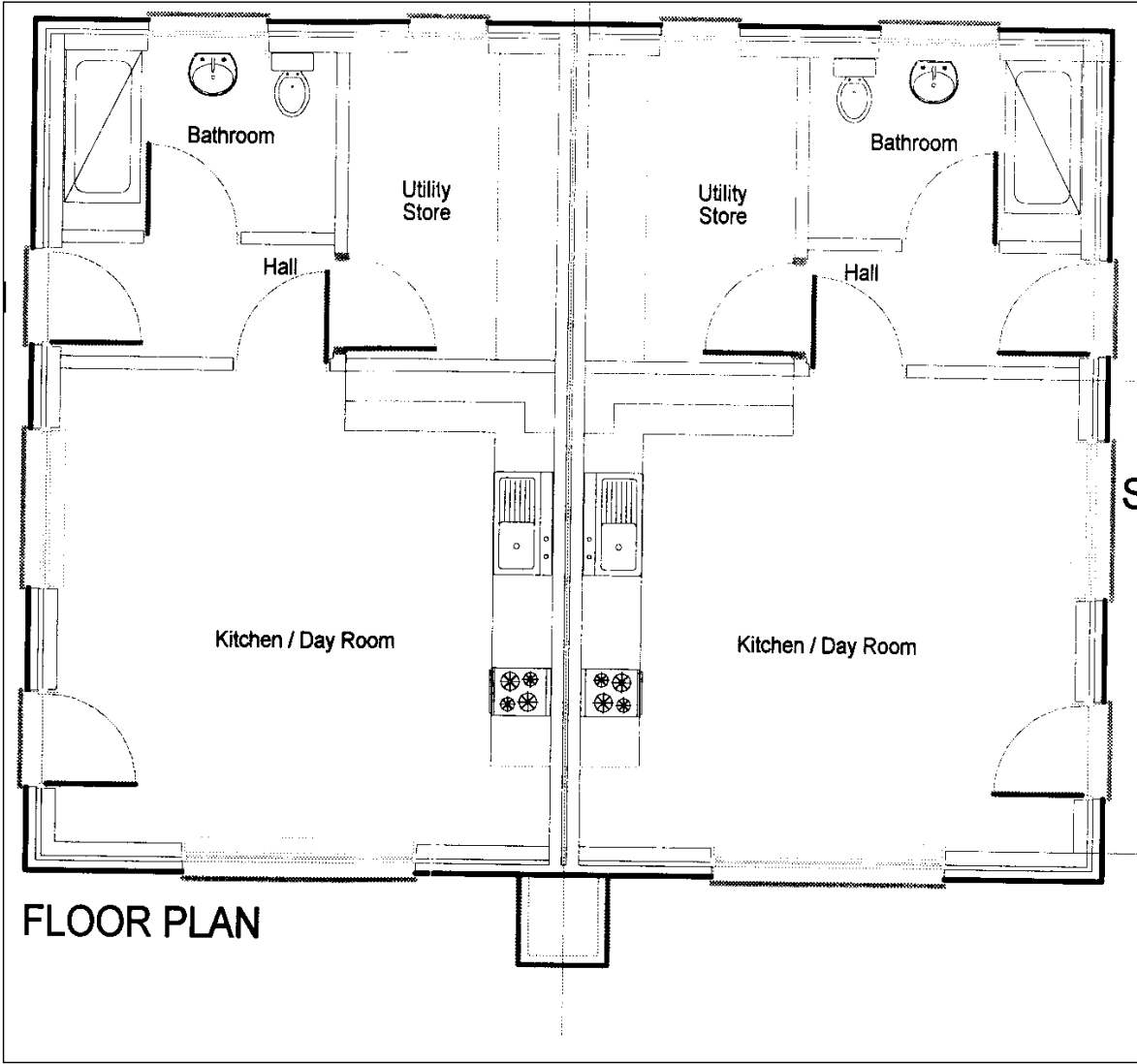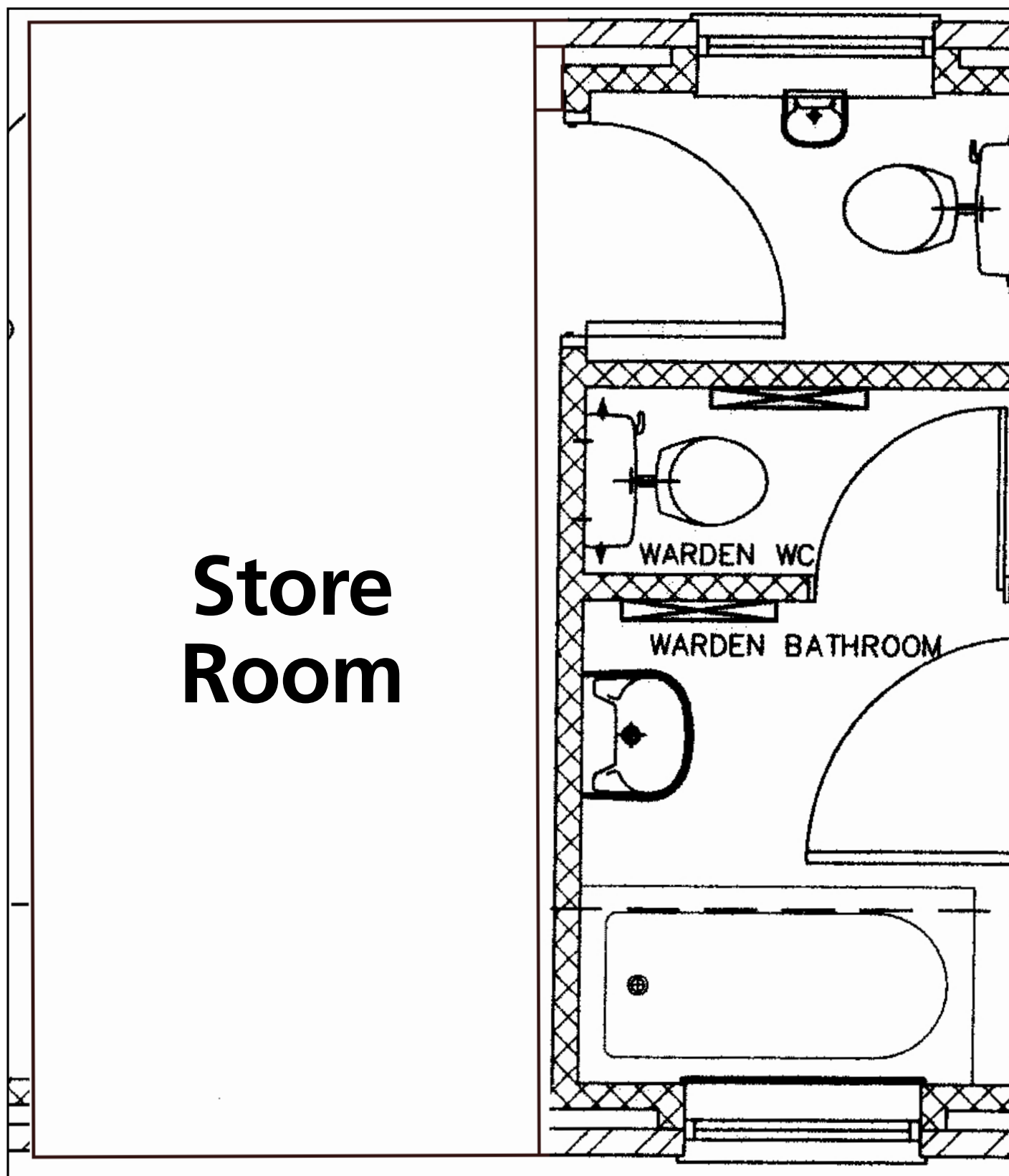
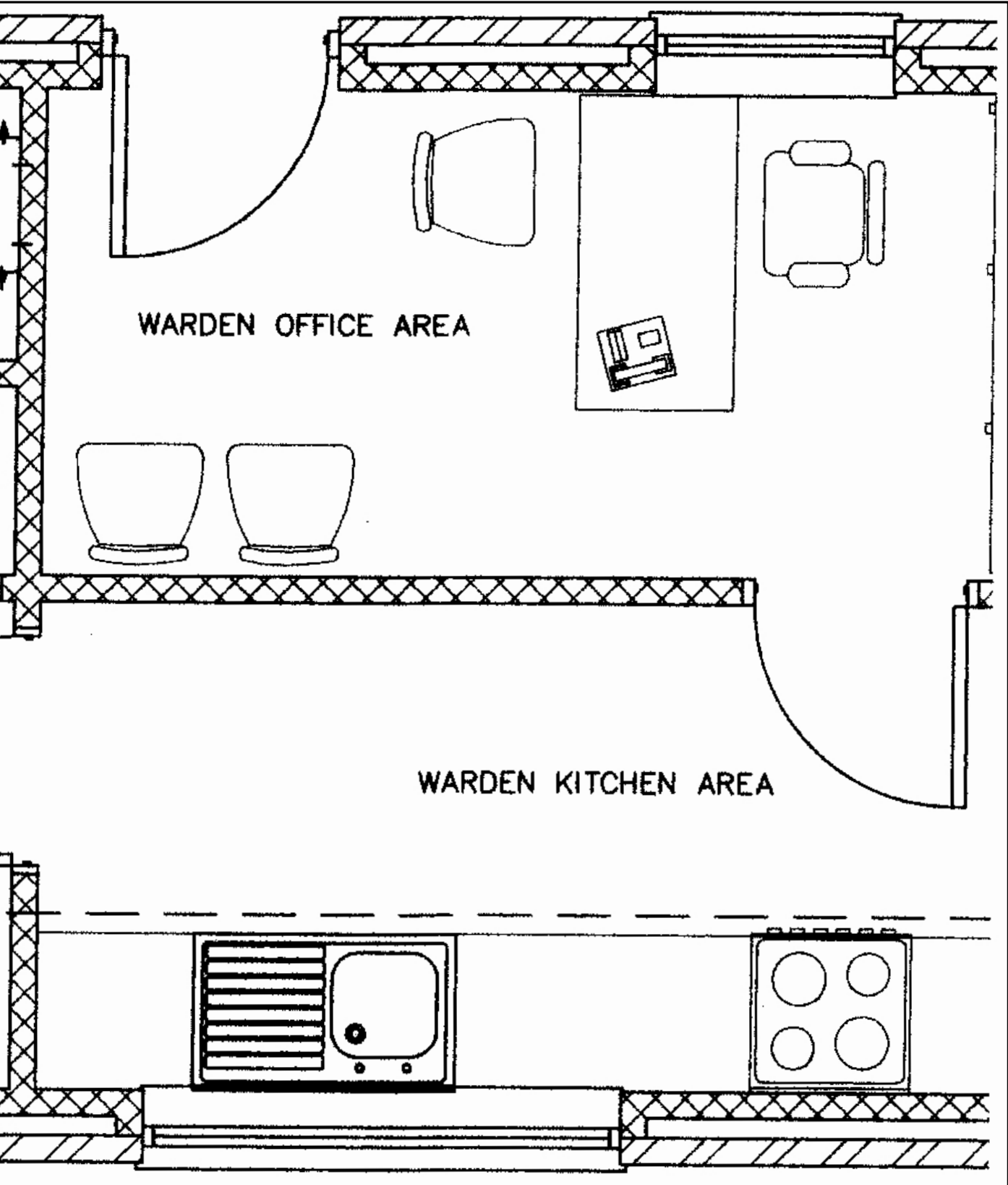# Annex B.5 Site manager's office – permanent site (see para 4.35)

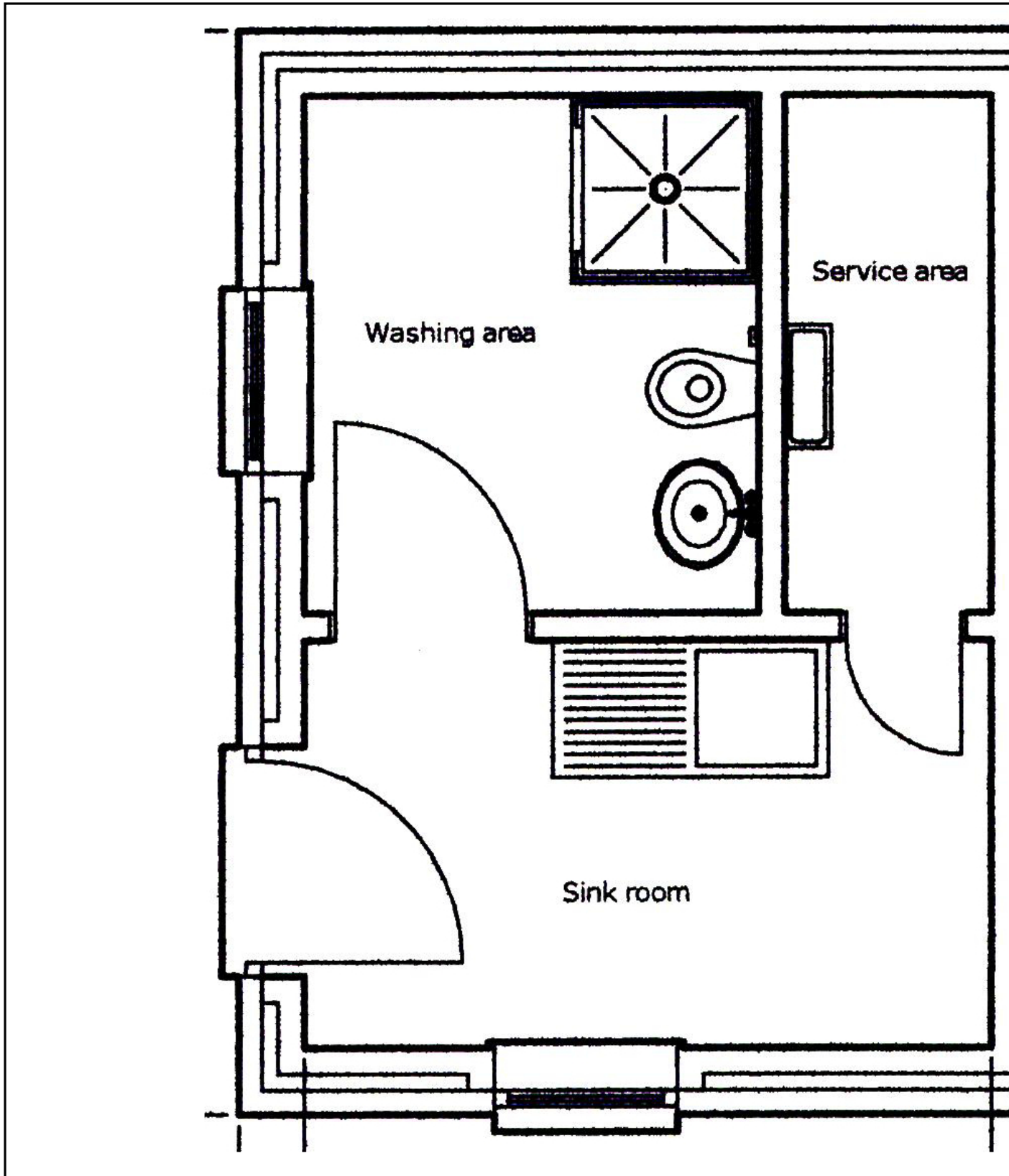# Annex B.6 Pair of amenity buildings – permanent site (see para 7.19)

Bathroom

Utility Store

Hall

Bathroom

Utility Store

Hall

Kitchen / Day Room

Kitchen / Day Room

FLOOR PLAN

Annex B.7 Resident warden's office and accommodation – transit site (see para 8.15)

Store
Room

WARDEN WC

WARDEN BATHROOM

WARDEN OFFICE AREA

WARDEN KITCHEN AREA

Annex B.8 Pair of amenity buildings – transit site (see para 8.29)

Washing area

Service area

Sink room

Service area

Washing area

Sink room
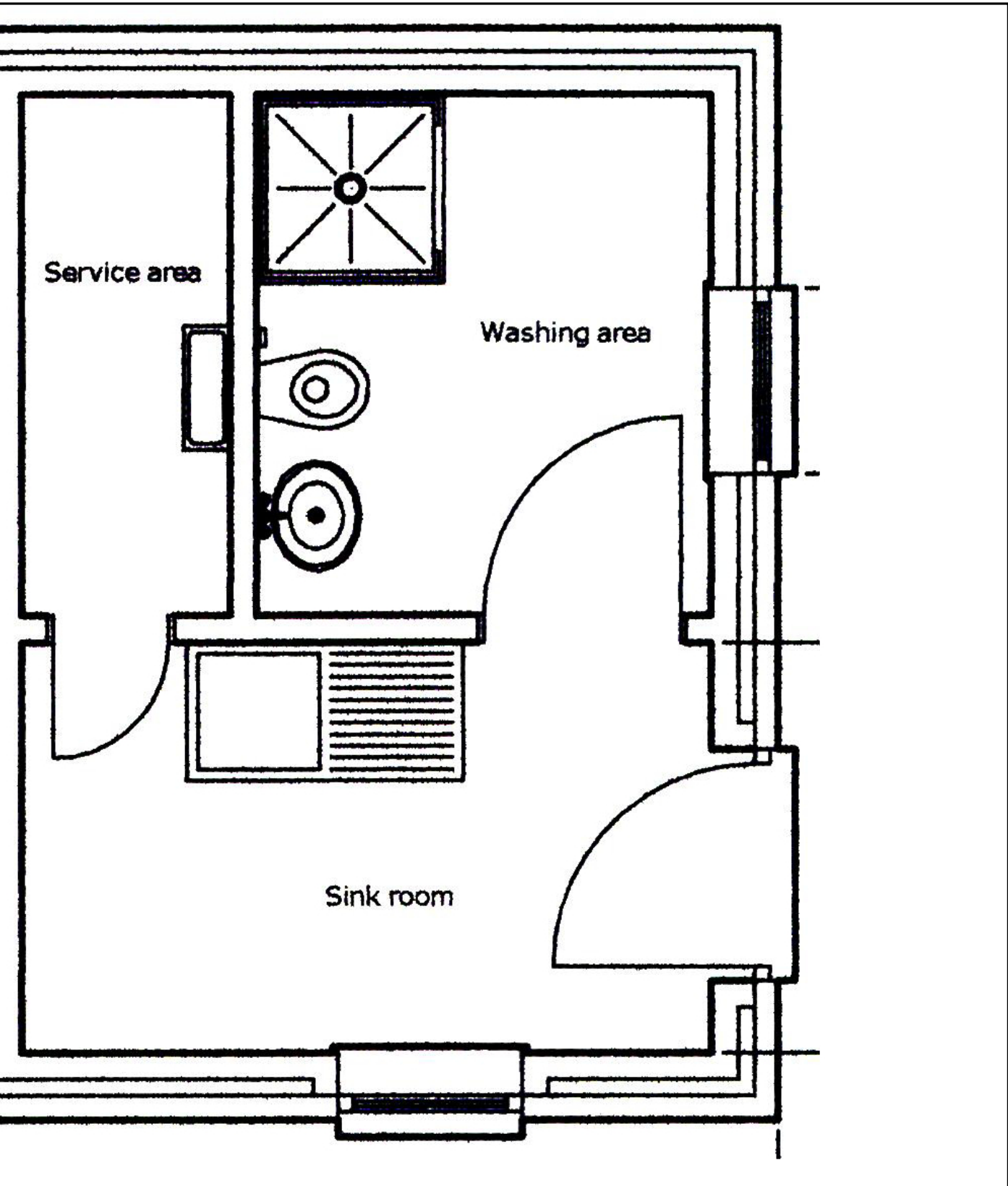
APPENDIX F - PLANNING RESPONSE

The proposed use of the identified location(s) for a travellers site(s) will require planning permission under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, as it will involve a change of use of land.

The fee for this type of application is currently set at £401. Where additional works are proposed such as the provision of welfare units, perimeter fencing etc, these will be calculated separately. Further advice and clarification of the fees can be provided once the preferred site has been identified and the precise nature of the development has been agreed.

It should be noted that the level of supporting information required to supplement an application will vary depending on specific site constraints. For example, the site at Ettrick Mill, Selkirk is currently zoned in the Scottish Borders Local Development 2016 for Business and Industrial use under Policy ED1. The zoned site (reference zEL15 – Riverside 6) is a district business and industrial site where the preferred uses should fall within Use Classes 4 (Business), 5 (General Industrial) & 6 (Storage & Distribution) of the Use Classes Order. Development other than Classes 4, 5 & 6 may be acceptable however on District sites in order to, where appropriate, allow a more mixed use area. Proposals, such as the proposed traveller's site, will be considered against the following criteria:

a) the loss of business and industrial land, ensuring it does not prejudice existing and long term requirements for employment land; and
b) the alternative use will offer significant benefits to the surrounding area and community that outweigh the need to retain the site in industrial use; and
c) there is a constraint that would prevent it from becoming marketable for business & industrial use in the future; or
d) a more mixed use land pattern is now considered acceptable by the Council.

Should an application be submitted a detailed supporting statement, addressing the criteria set out above will be required.

Within the LDP, there are a number of site requirements that must also be addressed. Although it is likely that the Selkirk Flood Protection Scheme will reduce risk posed by the Ettrick Water, a flood risk assessment may be required for this site. The Council's FPO will confirm. Archaeological interests require investigation and mitigation measures may be required. Also, given the historical use of the site as a mill, a contaminated land investigation and any mitigation may be required. The setting of the A Listed Ettrick Mill and its setting must be retained. Any new building, hard surfacing, landscaping or means of enclosure will need to be considered sympathetically.

Where an application is submitted for a change of use of and (and any structures associated with the proposed use, such as shower/toilet blocks, hand standing, perimeter fencing/gates etc), all supporting information must be submitted at the time of submission. This may include (depending on the chosen site(s)) a supporting planning statement, detailed site plan, block plan and elevation drawings, contaminated land survey, flood risk assessment, archaeological survey etc.

Once registered and validated, all neighbours within 20m of the application site boundary will be formally notified and identified consultees will receive formal consultation. An advert will also be placed in the local press. Neighbours and other third parties will have a statutory period of 21 days from the date of validation in which to respond, although the planning authority will continue to accept representations up until the application is determined. Statutory and non-statutory consultees will also have 21 days in which to provide a response although the Community Council will have 28 days owing to their monthly cycle of council meetings.

Members should be aware that the Council has a statutory 2 month period in which to determine a planning application, although this may be extended depending on the complexity of the application and whether the application requires referral to the Planning and Building Standards Committee. The planning authority will always endeavour to process the application as quickly as possible under the Council's scheme of delegation but where it is proposed to approve the application where there is a substantial body of opposition (more than 5 objections from separate households), or the application is significantly contrary to the development plan, then application will referred to committee. Members should be aware that the application will also be referred to committee if there is an objection from a statutory consultee such as SEPA or where notice is given by a 'committee of 5 elected members' (a committee referral) within one month of the date of receipt and validation of the application.

20MPH ROAD TO PERMANENCE

Report by Director – Infrastructure & Environment

SCOTTISH BORDERS COUNCIL

16 DECEMBER 2021

1   PURPOSE AND SUMMARY

1.1 **This report reviews the Spaces for People 20mph trial and proposes which roads within Scottish Borders settlements should remain at 20mph; which should revert back to 30mph; and which should be set at 40mph.**

1.2 The Sustrans funded Spaces for People 20mph trial has been in place since October 2020, where all roads with a 30mph speed limit were reduced to 20mph.

1.3 Edinburgh Napier University's Transport Research Institute carried out an independent evaluation of the trial from 125 survey sites over 97 settlements.

1.4 Vehicle speeds have reduced in almost all settlements, in some instances by 6mph, with an average reduction closer to 3mph.

2   RECOMMENDATIONS

2.1 **I recommend that Scottish Borders Council :-**

a) **approves the suggestions to move to a position where 20 mph is the default speed limit within settlements in the Scottish Borders.**

(b) **approves limited 30mph exceptions as detailed in Appendix 1; and**

(c) **approves the changes for 40mph speed limits as detailed in Appendix 1.**

3   BACKGROUND

3.1   In August 2020, Scottish Borders Council agreed to trial changing all 30mph speed limits across 97 settlements to 20mph as part of the externally funded £1.2M Sustrans Spaces for People programme. This funding was ring fenced to be spent solely on initiatives to encourage active travel as part of the national recovery from Covid 19.

3.2   An external data collection firm (Coeval) was appointed to carry out traffic surveys and data collection at 125 sites across the 97 settlements. Each location was surveyed at least twice and a Power BI dashboard with the results of the average speeds from the surveys can be accessed here: http://scottishborders.tracsis-tads.com/conduit/borders

3.3   As part of the 20mph trial, Council Officers convened an evaluation group consisting of representatives from Police Scotland, Transport Scotland, SUSTRANS, Edinburgh Napier University, Road Safety Auditors as well as officers from East Lothian, West Lothian, Dumfries and Galloway, Highland, Shetland and Argyll and Bute Councils who have shown keen interest in the ongoing trial.

3.4   Edinburgh Napier University's Transport Research Institute were appointed to carry out an independent evaluation of the trial and have concluded that:
- There has been significant speed reductions after the introduction of the 20mph speed limit
- There has been a shift from mean speeds from 25mph to 22mph
- Speed reductions seem to be maintained over time (8 month period)
- Where speeds were higher pre-trial, these sites have seen the biggest reductions

3.5   Originally the aim of the trial was to make active travel, ie walking and cycling more attractive to residents as the restrictions resulting from the Covid 19 pandemic eased. This was extremely challenging to measure and as the trial has progressed Transport Scotland has now published its delivery plan for their road safety frame work and it states that '….*we will ensure all appropriate roads in built up areas have a safer speed limit of 20 mph by 2025*: https://www.transport.gov.scot/news/scotland-s-road-safety-framework-to-2030/

3.6   Officers met with Local Members recently to update them and there appears to be a general consensus, with some site specific reservations to retain all settlements at 20mph with some limited 30mph and 40mph speed limit buffers as detailed in appendix 1. These 30mph buffers are recommended where it is particularly 'painful' to drive at 20mph taking into account the surrounding environs, for instance where there are not an abundance of houses on both sides of the road and it is not immediately apparent to drivers why 20mph is the appropriate speed. In these scenarios compliance tends to be poor and can be to the detriment of the overall ethos of lower limits. Full details of maps/plans can be found via the online library here: X:\Road Safety\MEMBER UPLOAD OCT 2021

3.7 Community Councils have been updated on progress during the trial and have been consulted on their views of the effectiveness of the 20mph trial and these have been taken into account when making recommendations.

3.8 Police Scotland have the powers to carry out enforcement and their official line is that, similar to 30mph speed limits they will carry out enforcement of the 20mph speed limits where there is an historic casualty profile and outside schools.

3.9 Officers are in dialogue with Transport Scotland on which sections of trunk road should remain at 20mph and the correct legal process to follow.

3.10 The public were asked to share their views by means of a Citizen Space survey and the responses received were mixed. Some respondents were keen to retain the 20mph speed limits and others were less so. It would be fair to say there were some polarised views. Generally, there was an acceptance that outside schools and residential areas should have a form of 20mph speed limit in place and these have been taken into account when making recommendations. All responses can be viewed on Xdrive: X:\Road Safety\MEMBER UPLOAD OCT 2021\Public Consultation Feedback in Settlements

4 OTHER OPTIONS CONSIDERED

4.1 Revert all roads back to 30mph: this is in conflict with the principles of the road users hierarchy, ie *The 'hierarchy of road users' should help to ensure greater safety on the roads for vulnerable users. Road users near the top of the hierarchy will be pedestrians, cyclists and horse riders. Towards the bottom will be cars, vans and heavy goods vehicles*. Additionally it is very likely that all Local Authorities will need to review their 30mph speed limits before 2025 and there is no guarantee of future funding to do so. This approach is not recommended.

4.2 Have all roads at 20mph: this approach was taken at the start of the trial due to grant terms and conditions and the time constraints. Having had the opportunity to interact with Local Members, Community Councils and feedback from Police Scotland and the public this approach is not recommended as it does not take into account particular streets and their particular needs. This approach is not recommended.

4.3 Blended 20mph and 30mph: recognising that one size does not fit all and the unique needs of each settlement this is the recommended approach. Taking into account historic crash information, road layout, housing density/presence and the likelihood of compliance as well as previous complaints, Local Member, Community Council, Police Scotland, Transport Scotland and resident feedback, this nuanced approach to speed limits is the recommended approach.

5 IMPLICATIONS

5.1 **Financial**
In theory there are no costs to Council attached to any of the recommendations contained in this report as an external ring fenced grant of £1.2M from Transport Scotland via SUSTRANS has been secured and an

allowance has been set aside for either decommissioning or permanence. If the decision is taken to revert all roads back to 30mph then it is likely that in the future when the Council has to adhere to the new Transport Scotland guidance there is no guarantee of funding to roll out widespread 20mph. Based on recent labour costs to erect 20mph signing-only it will likely be in the region of £420,000 for all 97 settlements. Officers have also taken the opportunity to upgrade and replace some electronic message signs that were coming to an end with improved legacy signing with fewer future maintenance needs.

5.2 **Risk and Mitigations**

(a) Since the introduction of the trial Transport Scotland has issued their latest road safety policy document which states '*…we will ensure all appropriate roads in built up areas have a safer speed limit of 20 mph by 2025*': https://www.transport.gov.scot/news/scotland-s-road-safety-framework-to-2030/
If the Council decides to remove all of the 20mph speed limits it is very likely that when the new guidance is formally issued then the Council will need to reinstate what has already been removed and there is no guarantee of future funding for introducing widespread 20mph across the region at a likely cost of approximately £420,000.

(b) If the 20mph speed limits are removed then there is the risk of a pedestrian, cyclist or other vulnerable road user being injured by a vehicle at a higher speed that may lead to more severe injury than 20mph and possible reputational damage.

5.3 **Integrated Impact Assessment**

An Integrated Impact Assessment checklist has been completed and a full assessment is not required as the Council is confident that there is not any form of detrimental effect to any group of people regardless of any characteristics. Reducing roads to a 20mph speed limit will assist less mobile groups by creating more time for crossing roads etc. as well as likely being positive for the elderly and youth who can suffer from more serious injuries in road crashes.

5.4 **Sustainable Development Goals**

It is not envisaged that 20mph schemes will impact on any of the UN Sustainable Development Goals.

5.5 **Climate Change**

There are no significant impacts on the Council's carbon emissions or climate change contribution that are additional to current operation.
The proposals are likely to be positive in terms of encouraging walking and cycling and generally promoting healthier lifestyles and wellbeing for all at all ages.

5.6 **Rural Proofing**

There are no rural proofing impacts resulting from this report.

5.7 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained in this report.

5.8 **Changes to Scheme of Administration or Scheme of Delegation**
There are no changes which are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

6   CONSULTATION

6.1   The Executive Director (Finance & Regulatory), the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Service Director HR & Communications, the Clerk to the Council and Corporate Communications have been consulted and any comments received have been incorporated into the final report.

Approved by

Name	**Title**
John Curry	**Director Infrastructure and Environment**

Author(s)

Name	Designation and Contact Number
Philippa Gilhooly	Team Leader, Traffic and Road Safety 01835 825089

Background Papers: August 2020
Previous Minute Reference:

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Philippa Gilhooly can also give information on other language translations as well as providing additional copies.

Contact us at Philippa Gilhooly, 01835 825089, pgilhooly@scotborders.gov.uk

Appendix 1 locations with 30mph and 40mph speed limits

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Appendix 1 Summary of 20, 30 and 40mph speed limits   30.11.21

Overview of 20, 30 and 40mph speed limits

Settlements below have been subject to changes during trial and these are proposed outcomes.

Where settlement is not listed then all streets to remain at 20mph.

AREA	SETTLEMENT	LOCATION	WORKS
Berwickshire	Ayton	Beanburn	Relocation of terminal signs
Berwickshire	Chirnside	A6105	A6105 30mph buffer
Berwickshire	Cockburnspath	Edinburgh Road	40mph buffer
Berwickshire	Coldingham	A1107	Extension of 20mph & 40mph buffer
Berwickshire	Coldingham	Sands Rd	Relocation of terminal signs
Berwickshire	Coldingham	A1107 School Road	Move terminals
Berwickshire	Coldstream	A698 (West)	30mph Buffer
Berwickshire	Coldstream	A698 (East)	30mph Buffer
Berwickshire	Cranshaws		20mph limit
Berwickshire	Duns	A6105 (West)	30mph buffer
Berwickshire	Edrom		20mph limit
Berwickshire	Eyemouth	B6355 Millbank Road	30mph Buffer
Berwickshire	Eyemouth	C131 New Harbour Rd	30mph Buffer
Berwickshire	Foulden	A6105	30mph to revert to 20mph at West end
Berwickshire	Greenlaw	A697	Relocation of terminal signs
Berwickshire	Swinton	Duns Road	Revert back to 20mph
Cheviot	Hownam	C41	40mph limit
Cheviot	Jedburgh	Oxnam Rd	30mph Buffer
Cheviot	Jedburgh	A68 South - TRUNK	30mph buffer
Cheviot	Jedburgh	A68 North - TRUNK	30mph buffer
Cheviot	Kelso	A698 (East)	30mph buffer
Cheviot	Kelso	A698 Kelso Bypass	40mph limit
Cheviot	Kelso	Edinburgh Road	30mph buffer
Cheviot	Kelso	B6350	30mph & 40mph buffer
Cheviot	Nenthorn		Extension of 40mph limit
Cheviot	Smailholm	C78	40mph Buffer
Cheviot	Sprouston	B6350	30mph limit
Cheviot	Sprouston	Dean Rd	Relocation of terminal signs
Cheviot	St Boswells	A68 - TRUNK	30mph limit

Cheviot	Stichill	B6364	30mph Buffer
Eildon	Blainslie		20mph limit
Eildon	Earlston	A68 TRUNK	30mph limit
Eildon	Galashiels	Langshaws Rd/Melrose Rd/Winston Rd	30mph buffer
Eildon	Galashiels	A7 Abbotsford Road	30mph Buffer
Eildon	Gattonside	B6360 (East)	30mph buffer
Eildon	Gattonside	B6360 (West)	30mph buffer
Eildon	Gattonside/Melrose	B6360/B6374	40mph Buffer
Eildon	Heriot	Old Stage Rd	Extension of 20 limit
Eildon	Heriot	B709	40mph Buffer
Eildon	Heriot	B709 - school	20mph
Eildon	Lauder	Stow Road	30mph Buffer
Eildon	Melrose	Dingleton Road	30mph buffer
Eildon	Melrose - Newstead	Dean Rd/High Road	30mph Buffer
Eildon	Oxton		Remove 30mph buffer
Eildon	Selkirk	A7 South - TRUNK	30mph buffer
Eildon	Selkirk	A7 North - TRUNK	30mph buffer
Eildon	Selkirk	Linglie Road	30mph buffer
Eildon	Tweedbank	Tweedbank Drive	30mph Buffer
Teviot & Liddesdale	Hawick	Liddlesdale Road	30mph Buffer
Teviot & Liddesdale	Hawick	Weensland Road	30mph Buffer
Teviot & Liddesdale	Hawick	A7 North TRUNK	30mph buffer
Teviot & Liddesdale	Newcastleton	B6357	Remove 30mph buffers x2, extend 20mph
Tweeddale	Blyth Bridge	A701	40mph Buffer
Tweeddale	Broughton	A701	30mph Buffer
Tweeddale	Eddleston	A703 North	40mph Buffer
Tweeddale	Eddleston	A703 South	40mph Buffer
Tweeddale	Innerleithen	B709 Leithen Road	30mph & 40mph buffer
Tweeddale	Peebles	Kingsmeadows Road	30mph buffer
Tweeddale	Rommano Bridge	A701	Extend existing 20mph north, east & south, revert 40mph to 20mph
Tweeddale	Skirling	A72 North	30mph Buffer
Tweeddale	Walkerburn	A72 East	40mph buffer east end

Motion by Councillor Rowley

Consequent to the resignation of Councillor Haslam last month from the role of Leader, I now propose that Scottish Borders Council approves the following reallocation of responsibilities: –

- The Executive Member for Economic Regeneration & Finance portfolio title is changed to the Executive Member for Finance and Budget Oversight
- The Scheme of Administration is amended to take account of the change in Portfolio title
- Further amending the Scheme of Administration so that the Chair of the Major Contracts Governance Group is the Executive Member for Finance and Budget Oversight
- That Councillor Haslam is appointed to the role of Executive Member for Finance and Budget Oversight, with responsibilities for Budget oversight and development.
- Establishes a new role, being the Executive Member for Homes and Housing. The role is not a Senior Councillor role as defined in the Local Governance (Scotland) Act 2004 (Remuneration) Regulations 2007 and so does not affect the Scheme of Remuneration.
- Appoints Councillor Linehan to the role of Executive Member for Homes and Housing.
- Amends the Scheme of Administration to change the Constitution of the Executive Committee from 11 to 12 Members and adding to the Members list the Executive Member for Homes and Housing.
- Amends the Scheme of Administration by amending the Constitution of the Sustainability Committee from reading "Nine Members of the Council, being 5 members of the Administration and…" to read "Ten Members of the Council, being 6 members of the Administration and…"
- Appoints Cllr Rowley, as Leader, to be a Member of that Committee
- The Leader shall have responsibilities for Economic Development, Regeneration, Tourism, Inward Investment and Broadband & Digital Connectivity
- Appoints Councillor Rowley as a COSLA representative in place of Cllr Haslam.
- Appoints Councillor Aitchison to the South of Scotland Regional Economic Partnership in place of Councillor Haslam
- Notes that Cllr Rowley, as Leader, is now appointed to the Joint Committee of the Edinburgh and East of Scotland City Region Deal and agrees that he can appoint any Member of the Administration to be substitute as and when required as permitted by the Joint Committee Standing Orders.
- Notes that Cllr Rowley, as Leader, is now appointed to attend the Borderlands Partnership Board and agrees that he can appoint any Member of the Administration to be the substitute as required by the Collaboration Agreement.

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