



Protective Marking	Not Protectively Marked
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Title	Impact Assessment for Gypsy & Traveller Policy
Version	1A
Summary	This document details how the impact of a particular MPS policy has been assessed in relation to race equality issues. It is completed in compliance with the Race Relations (Amendment) Act, 2000.
Branch / OCU	DCC4(4) Diversity Directorate
Review date	September 2007

Outline the research or data you have used to assess the impact of this policy

a) What research material or data have you used to assess the impact of this policy?

- Government six monthly site surveys
- Metropolitan Police unauthorised encampment statistics
- DETR – Managing Unauthorised Encampment – A Good Practice Guide
- ODPM and HO Draft guidance on managing unauthorised encampment
- ODPM – The Provision and Condition of Local Authority Gypsy/Traveller sites in England
- Welsh Assembly Report into the Review of Service Provision for Gypsies and Travellers
- Kent Police policy file on residential trespass
- ACPO Public Order sub committee guidance document on the Criminal Justice and Public Order Act 1994 Collective Trespass or Nuisance on Land
- Dip sampling of crimes reported on the Crime Reporting and Information System (CRIS) with the Gypsy Traveller (GT) Flag
- Scanning of internet and media reporting of Gypsy Traveller issues.

b). Summarise the findings

There is lack of both temporary and permanent site provision in the UK generally. This when coupled with action to remove people from unauthorised encampments has the effect of actually increasing the number of such encampments as people are forced to find new sites to camp having been removed from their old ones. This process can also have the effect of denying people access to health care, education and potentially the voting process.

Police are seen by many Gypsies and Travellers as supporting this eviction process and to lack objectivity in the way in which they exercise their powers. This contributes to a lack of confidence in the perceived willingness or ability of police to respond effectively to Gypsy and Traveller issues. This in turn contributes to underreporting of hate crime directed against Gypsies and Travellers. In general there is a lack of engagement with Gypsies and Travellers by police in a non-confrontational way that merely serves to reinforce these perceptions.

a) Outline what you propose to do as a result of the research or data.

This policy addresses these issues by making the decision making process more consultative and transparent. It institutes an audit trail of that decision making process. This will not only allow for responsibility and rationale for the various parts of the process to be seen but will also make it easy to identify and disseminate good practice. It will also make clear the considerations that

should be take into account before such decisions are made.

The role of the GTLO has been revised in order to make it a far more high visibility community based role. Flexibility has also been introduced into the way such officers are deployed.

The importance of flagging crime where Gypsies and Travellers are the victims and which are motivated by their ethnicity has been re-emphasised and direction given.

Outline how you have consulted, internally or externally, to assess the impact of this policy

- a) How the consultation was carried out**
- b) A summary of the responses**
- c) What you propose to do as a result of the consultation**

External

a) How was this consultation carried out?

The MPS unauthorised encampment policy developed in 2001 was supplied to the Metropolitan Police Service Gypsy/Traveller Advisory Group as representatives and members of those groups most affected by the policy and in order to provide a baseline against which to measure policy development. The policy was supplied in both electronic form and in hard copy. Each member was requested to comment on the policy as a whole, and specifically on the role of the Gypsy Traveller liaison officer (GTLO). The current policy was then supplied as it went through its various development stages.

The consultation process was advertised on TRAVNET (an external internet based discussion group) and copies were sent to all those organisations that requested them. Additional copies of both the 2001 policy and various drafts of the current policy were sent to prominent external organisations such as Friends Families and Travellers (FFT), Gypsy Traveller Law Reform Coalition (GTLC), Office of the Deputy Prime Minister/Home Office (ODPM/HO), Commission for Racial Equality (CRE).

GTLOs were sent copies of the drafts of the current policy as part of the internal consultation but were asked to share them with their external partners such as local authorities as part of the external consultation.

Copies were also sent to other police forces that requested them with a request for comments, as they felt necessary.

The consultation was carried out by e-mail, face to face discussion and supplying hard copy documents. Responses were received by the same means.

b). A summary of the external responses.

i). General Comments -There was a general consensus that there was a lack

of site provision generally and transit site provision in particular. This was highlighted in the ODPM report 'The Provision and Condition of Local Authority Sites in England' and has been regularly articulated by speakers such as Lord Avebury. It was also one of the prime reasons for the formation of the Gypsy Traveller Law Reform Coalition. This lack of site provision was and remains a major contributory factor to unauthorised encampment.

Assessment of numbers of Gypsies and Travellers has been at best unreliable. The government six monthly site count is limited to counting those who are caravan resident, thus ignoring those in transit and those in houses. This count has been subject to regular criticism over its accuracy by Gypsy/Traveller representatives who highlight startling inaccuracies in numbers reported.

ii). More specific comments - Despite there having been a police notice in place for since 2001 setting out service requirements representative groups commented that at this time (2004) there was little consistency in the way that unauthorised encampments were policed or Gypsy Traveller matters were dealt with across the Metropolitan Police District (MPD). For example one borough has in place a policy that allowed for leniency (toleration) agreements but this is not repeated all other boroughs throughout the MPD. Similarly other boroughs had full time GTLO's at Constable level, who had both a proactive liaison and enforcement role. Most other Boroughs had the GTLO responsibilities carried additionally by operations Inspectors, one borough even had a postholder who is a member of the police staff working in an intelligence unit and had no proactive role whatsoever.

This was echoed in national terms with little or no consistency in approach between police forces. For example the MPS approach to policing unauthorised encampments differed from that in other parts of the UK, which in itself differed from force to force.

Representative groups commented that the police response to unauthorised encampment appeared to be confrontational rather than consultative. This is to some extent confirmed by internal research which showed for example that few if any boroughs involved Gypsy/Traveller representative groups in the process to develop the joint protocols with local authorities on eviction that were required by Special Notice 11/2001 and fewer still had Gypsy or Traveller representatives on their Borough advisory groups or equivalent bodies.

There was a perception that police simply acted as the enforcement arm of local authorities. Similarly there was a widespread perception that police were unwilling/unable to act with regard hate crime directed at Gypsies and Travellers.

There seemed to be general agreement amongst representative groups that Gypsies and Travellers were subject to hate crime but this is not being reported, (based on conversations with members of the Irish Travellers Movement and views posted on internet discussion groups). Equally several

allegations of incitement to racial hatred and racially aggravated insulting behaviour have been made to police concerning Gypsies and Travellers in the media. Prosecutions and even more so convictions however remained the exception rather than the rule. This had the effect of damaging what little confidence Gypsies and Travellers have in both police and the criminal justice system as a whole.

The CRE in its 2004 publication *Gypsies and Travellers: A Strategy for the CRE 2004 - 2007* highlighted that 'no Gypsy' and 'No Traveller' signs were still common in shops and public buildings. Criminal prosecutions for displaying these signs, an offence that the CPS recently gave advice to the MPS were potentially a breach of the Criminal Justice and Public Order Act, were rare. This when combined with a perceived lack of action over media comments served to reinforce the perception that police, if not institutionally racist, were certainly uninterested in Gypsy/Traveller issues.

Recent evidence given to a cross party select committee of the House of Commons heard that Gypsies and Travellers believed that settled society has never respected their cultural way of life. This view is reflected by recent critical newspaper reports concerning unauthorised encampments.

Broadly speaking comment by external groups representing Gypsy Traveller groups and Gypsies and Travellers themselves highlighted the need to involve Gypsies and Travellers more directly in developing a response to unauthorised encampment and in all other formulation of policy involving them. Similarly they felt the role of the GTLO was focussed on assisting local authorities and settled communities and excluded Gypsies and Travellers. There was a willingness to engage with police over these issues but a growing frustration with a lack of demonstrable change.

The single local authority that replied felt that the delays imposed by the policy in dealing with unauthorised encampment would be detrimental to local businesses. They also commented that there would be a financial implication for local authorities in having to deal with unauthorised encampments.

The Office of the Deputy Prime Minister/Home Office (ODPM/HO) were concerned specifically that the policy implied that the S.62A would not be used in London due to the guidance given for its interpretation. They suggested rewording of this guidance. They also suggested that publication should await the publication of the new ODPM/HO guidance.

The CRE applauded the approach the policy took and particularly endorsed the ethnic monitoring provisions.

FFT held the view that unauthorised encampment was not a criminal matter and unless criminal offences were disclosed should not be a matter that concerned police without a request from a landowner. Where criminal offences were apparent these should be dealt with in the same way as the settled community.

c). Outline what you propose to do as a result of the consultation

The current policy seeks to address the above issues.

A new role has been developed for the GTLO giving it a community and intelligence based focus. The whole policy document stresses the need for communities to play a part in the decision making process. The original S.62A guidance has been modified in the light of ODPM/HO comments to make clear that that the MPS is not opposed to the use of S.62A. Similarly FFT comments have been noted and the current policy makes clear that police should not be proactive in seeking out unauthorised encampment but should wait for the landowner to make contact.

It is accepted there may be some potential additional expenditure for local authorities as a result of this policy – local authorities are far more likely to find themselves having to carry out removals rather than having police do it for them.

Given the timescale constraints involved in the production of this policy it is not possible to hold publication until the publication of the new ODPM/HO guidance document. Every effort has however been made to include the ODPM/HO comment in this document.

Internal

a) Who was consulted and how was the consultation carried out?

MPS Borough Traveller Liaison Officers were supplied with drafts of the current policy and asked to consult Borough Commanders, Local Authority partners, Borough Liaison Officers and any other interested parties in order to obtain a view as to which sections of the MPS Unauthorised encampment policy or the related policies needed change. A copy of the draft policy was then sent to them for comment, with follow up requests for results.

Copies were sent direct to Chief Inspectors Operations on two boroughs, two Superintendents and one Detective Chief Inspector.

Consultation was by post, e-mail and personal interview.

b) Summarise the responses

One borough commented they thought it a good idea that all policies were drawn together into one document.

It was suggested that the decision making process in the current policy needed to be streamlined. Some boroughs expressed concerns as to the inability of the process to provide a quick time response and that the suggested decision making process was unrealistic. There were concerns as to the authority levels required. One borough felt that it was unable to afford a full time GTLO, the same borough felt that holding consultative meetings with partners was unrealistic.

Some boroughs felt that there were cost implications in the GTLO role. One BOCU raised concerns about Regulation of Investigative Powers Act (RIPA) considerations in videoing the service of removal notices. Flow charts and a summary document were requested.

c) Outline what you propose to do as a result of the consultation

In the current (2004) policy the decision making process has been streamlined with authority levels being lowered.

Provision for GTLOs to be full or part time and for boroughs to share a single GTLO was introduced as a response to concerns about staffing levels.

The quick time response has been re-written allowing for decisions to be made where the speed of police response is important. It was felt that the consultative process should remain but provision has been made for a limited form of consultation when an 'out of hours' response is required.

The section that potentially would have required RIPA considerations has been removed.

Flow charts and a summary document have been included at the beginning of the document.

Does the data or consultation indicate that the policy has a different impact on particular racial groups?

Yes it has a particular impact on the lives of Gypsies and Travellers – both of whom are racial groups for the purposes of the Race Relations Act (RRA) and associated legislation. These groups are particularly affected by the unauthorised encampment policy but also suffer from anecdotally high levels of unreported hate crime.

The impact of any unauthorised encampment on the lives of the settled community has also to be taken into account.

If so, which racial groups are affected?

Romany Gypsies and Irish Travellers, settled communities, business communities

Is the different impact an adverse one for those racial groups – i.e. does it put those racial groups at a disadvantage?

The current policy seeks to redress the adverse impact of the old policies

Is there evidence that this policy:-

a) Is discriminatory or perceived as discriminatory?

**b) Is damaging good race relations/failing to promote good race relations?
If so, what is the evidence?**

In respect of the old policies the answer must be Yes to a) and b).

The perception of some Gypsies and Travellers was that police had no desire to engage or consult with them over any of their concerns. Police were perceived as being an enforcement arm of local authorities and/or settled society. This in turn tended to damage good race relations. This was echoed by the perception that police are reluctant to effectively investigate crime where Gypsies or Travellers were victims.

The current policy attempts to address this perception.

Settled society may however perceive that it goes too far. The reality of the matter is that the policy seeks to steer a course that demonstrates that police decision making as to the use of its powers is transparently independent and takes into account the needs of all concerned.

It also introduces a level of ethnic monitoring that will enable an assessment of levels of hate crime directed against Gypsies and Travellers to be made, this should begin to improve confidence in the willingness of police to investigate crime and respond to Gypsy and Traveller community concerns.

If the policy adversely affects people from certain racial groups, can it be justified because of its overall objectives? Explain in full

- *N.B. Direct discrimination is not, in law, capable of justification; only indirect discrimination can be objectively justified.*

The policy does not discriminate against Gypsy and Travellers but by its very nature does impact on them more than the settled community

What changes, if any, have you made to the policy as a result of the Race Equality Review?

Pre 2004 policies have been revised and amalgamated. The 2004 policy introduced a requirement to form a consultative group before any decision as to the use of police powers to remove is made.

The role of the Gypsy Traveller Liaison Officer has been refocused to make it a far higher visibility, community reassurance based role.

Ethnic monitoring of crime against Gypsies and Travellers has been introduced.

New guidance on the way in which removals should be carried out has been introduced.

Guidance on leniency agreements has been introduced. These allow for an

agreement between police, unauthorised campers and a landowner that allows a group of campers to remain on a piece of land provided that conditions agreed by all parties are kept to. Any breach of these agreed conditions may provide grounds for removal proceedings to take place.

Directions as to the operation of a consistent policy core which will sit at the centre of any local agreements has been introduced.

State how the on-going effects of this policy will be monitored, and who will be responsible for this monitoring.

- a) Monitoring** – Incident Management Logs (IML) will be signed off by a Superintendent at the closure of any encampment. In order that good practice can be identified copies will be supplied to the Diversity Directorate and a digest produced.

Returns of unauthorised encampments are also to be supplied.

The use of GT flags on crime reports will be monitored. General monitoring of levels of hate crime and community tension will also be carried out.

- b) By whom** - Identification of good practice and circulation of any identified in IML's will be carried out by the Diversity Directorate.

Unauthorised encampment returns will be collated and analysed by the Diversity Directorate and the Strategic Intelligence Unit.

The use of GT flags will be monitored at the point of entry as part of the supervision process by first line supervisors. Crime management unit staff will carry out subsequent monitoring and supervision. Community safety unit Inspectors will ensure that the flag is being properly used by monthly dip sampling of GT flagged reports.

Dip sampling of GT flagged CRIS reports will be carried out on a monthly random basis by the Diversity Directorate.

Monitoring of general levels of hate crime directed against Gypsies and Travellers and levels of community tension will be monitored by borough Gypsy Traveller Liaison Officers, The Diversity Directorate and the Strategic Intelligence Unit.

The MPS Gypsy/Traveller advisory group will carry out overall monitoring of all MPS processes in relation to Gypsies and Travellers on an ongoing basis.

- c) When** - IMLs will be submitted at the conclusion of any encampment to the Diversity Directorate

Unauthorised encampment returns will be submitted at the end of each of calendar month.

Monitoring of hate crime levels and community tensions is carried out on an ongoing basis.

Dissemination of good practice and non-urgent items will be circulated to Gypsy Traveller Liaison Officers and disseminated to them in a six monthly information digest prepared by the Diversity Directorate .