

Equality Impact Assessment – Unauthorised Encampment Policy

Full EqIA

Community Safety / Public Safety

March 2013

EQUALITY IMPACT ASSESSMENT (EqIA)

SECTION 1: SUMMARY OF EQUALITY IMPACT ASSESSMENT (EqIA)

1.1	Details of the Policy, Strategy, Function, Project or Activity
	<p>Title of EqIA: Unauthorised Encampment Policy</p> <p>Date of EqIA: March 2013</p> <p>State whether EqIA is on a policy, strategy, function, project or activity or a combination: Policy</p> <p>Indicate whether it is a 'new' or an 'existing' policy, strategy, function, project or activity: New</p>
1.2	Details of the person responsible for the EqIA
	<p>Full Name: Andy Opie / Anthony Brooks</p> <p>Position: Head of Community Safety & DAAT Partnerships / Director of Public Safety & Public Realm</p> <p>Department: Planning & Environment / Public Safety</p> <p>Telephone number: 07785 528946 / 07970 386579</p>

1.3 What is the aim and objective of the policy, strategy, function, project or activity?

The council has responsibility for the management of unauthorised encampments on its own land. This includes any action for eviction. The policy recognises that all unauthorised encampments will be dealt with in a uniform way although in recent years these have predominantly been experienced by the gypsy and traveler community. This EqIA therefore focuses on the impact that this policy may have on that particular group.

The Race Relations Act (RRA) 1976 and subsequent amendments recognised gypsies and Irish travellers as ethnic groups, placing a duty on local authorities to promote good race relations, equality of opportunity and community cohesion in respect of travellers in all its policy and practice.

Addressing unauthorised encampments is not purely the responsibility of any single agency as it cuts across a wide range of public service priorities and budgets including; health & wellbeing, children, young people and families, crime and disorder education, housing, environmental health & enforcement and the economy. A partnership approach in dealing with the related issues is therefore essential.

Indeed, as an example; work in partnership across departments in the council may be required to minimise the nuisance and distress to the settled community whilst progressing through the operational procedure dealing with an unauthorised encampment to the point of eviction. This will be required for instance when dealing with noise nuisance as part of a wider anti-social behaviour matter with a traveller group.

The impact of social exclusion experienced by gypsies and travellers is highlighted by the following statistics;

- Average life expectancy is 12 years less for women and 10 years less for men than the settled population
- 17.6% of mothers have experienced the death of a child, compared to 0.9% in the settled population
- In 2005 only 20.7% of Irish Heritage travellers and 9.1% of Gypsy / Roma pupils gained 5+ A*-C including English and Maths compared to an average of 42.5% of the settled population

The traveller community is unlikely to benefit from regular access to healthcare and preventative medicine, more likely to use acute services such as A&E and there is evidence that they experience the worst health and education status of any disadvantaged group in England. A Department of Health study 2008-09 found that parents are younger, mothers have a shorter birth gap between pregnancies and infant mortality rates within the traveller community were three times higher than among the general population.

A Women's Health Council, Department of Health report; Translating Pain into Action – February 2009 identified that traveller

women were proportionally 30 times more likely to suffer domestic violence than women in the settled population.

Gypsies and travellers are often isolated both geographically and socially, traditionally avoiding involvement with local authorities and the police as they do not see them as natural allies if they experience anti-social behaviour individually or as a group from the local fixed population. Local authorities and police should provide the same level of support for gypsies and travellers as they would for residents in the settled community and steps taken to promote support services amongst this community in line with the Race Relations Act requirements.

SECTION 2: SCOPING THE ASSESSMENT

2.1 What information is currently available about the different protected groups that the policy, strategy, function, project or activity is likely to effect? (for examples see guidance)

This strategy incorporates aspects of awareness raising, early intervention, service provision in partnership and enforcement and is therefore aimed at all traveller groups and all ages regardless of gender. This approach is a means of bringing all of the information related to the needs of traveller groups and partnership services in the borough together in one place and; via the strategy and appended strategic action plan, allows for better ongoing identification of need, sharing of information and development and management of service provision.

The Department for Communities and Local Government (DCLG) prepared a set of policy documentation relating to local council's management of travellers and gypsies. There is also a raft of legislation relating to the needs of this group as well as dealing with enforcement. Legislation, guidance and liaison with other local authorities around their approaches have all been considered in preparing this strategy, with relevant references included.

The Race Relations Act (RRA) 1976 and subsequent amendments defined gypsies and travellers as a recognised ethnic group. This places a requirement upon Croydon Council to incorporate consideration of this group in all stages of the planning process for policy documentation for all services relating to this client group.

This includes;

- Children, Families & Learners
- Housing provision – traveller site provision (residential) and potentially settled accommodation

- **Adult services**
- **Education services**
- **Health provision (in partnership)**
- **Planning and Environment – relating to unauthorised encampments or unauthorised developments**

Access to early years' provision such as playgroups and nurseries can be prevented by enforced mobility, inaccessibility of public transport and potentially undermined by cultural barriers.

Legislation included in the policy ensures that gypsies and travellers have the same rights to appropriate education as all other children although travellers have a legal defence in respect if their lifestyle requiring a reduced number of attendance to avoid proceedings. Despite some progress in this regard, gypsy and traveller children remain highly disadvantaged in terms of access, inclusion and achievement and are one of the groups identified as most at risk in the education system. Being in school is only the start, with traveller pupils achievement remaining below that of all other groups, with this inequality increasing.

There is a national shortage of sites for travellers and Croydon Council has provided an authorised fixed site for travellers use with a total of 19 residential pitches. There is no provision of emergency stopping places or transit accommodation in our borough and subsequent unauthorised encampments in inappropriate locations resulting in evictions. In respect of unauthorised encampments, the council strives to balance the interests of local residents and the travelling population and every unauthorised encampment will be considered on its individual circumstances.

The lack of suitable, secure accommodation underpins many of the inequalities that traveller communities experience with planning policy having shifted away from publicly owned sites. Many travellers are caught between an insufficient supply of suitable accommodation on the one hand and the insecurity of unauthorised encampments and developments on the other; facing a cycle of evictions. Roadside stopping places with no facilities and continued instability and trauma become part of their way of life. Health deteriorates and severe disruptions occur to access to education for children, healthcare services and employment opportunities.

**2.2 What are your information gaps? For example service user data, or employment data on a particular protected group.
What steps are you/have you taken to fill them as part of this assessment?**

Statistical data is not currently routinely collected within the NHS about the needs of gypsies and travellers or the services they receive. National data about their health and healthcare status is therefore not readily available; although some studies have found

the health status of travellers to be much poorer than the general population. For instance; it is frequently reported that gypsy and traveller women live 12 years less and men 10 years less than in the settled population (Commission for Racial Equality [CRE] 2004). The infant mortality rate is three times higher in traveller communities than the settled population, with high rates of miscarriages & stillbirths, as well as high rates of maternal death during pregnancy or shortly after childbirth also reported.

The Commission for Racial Equality (CRE) Gypsy & Traveller Strategy for England & Wales (2004) noted a lack of systematic data on gypsy and traveller employment, but anecdotal evidence indicating that unemployment is high amongst this group, with few general programmes set up to tackle unemployment being accessible for them. The limited evidence on gypsy and traveller employment practices and preferences does indicate a strong preference for male self-employment (Greenfields 2006). This may be influenced by the experience of unemployed travellers seeking work, encountering barriers including; literacy and numeracy, requirements for qualifications, evidence of former addresses and references.

Gypsies and travellers are often isolated both geographically and socially, traditionally avoiding involvement with local authorities and the police as they do not see them as natural allies if they experience anti-social behaviour from the local fixed population individually or as a group. Local authorities and police should provide the same level of support for gypsies and travellers as they would for residents in the settled community and steps taken to promote support services in this community in line with the Race Relations Act requirements. Conversely, a minority of gypsies and travellers are involved in serious anti-social behaviour, impacting on the settled community as well as on other gypsies and travellers. Serious anti-social behaviour is difficult to tackle in any group but the police, local authority and other partners will take action against perpetrators regardless of ethnicity or the difficulties associated with enforcement when the perpetrator has a nomadic lifestyle.

2.3 Who have you engaged with (staff, service users, community groups etc)?

Describe the methods of engagement you used

What are the issues arising from the engagement?

What are the outcomes of this engagement?

What engagement did not or could not take place?

Preparation of the policy was undertaken through general research and collation of relevant reference material for inclusion. These included;

- Legislation
- Government guidance
- Liaison with other London boroughs – considering their approaches
- Local protocols and;
- Identification of local need through research using the Croydon Observatory and;
- Face to face, email or telephone contact with colleagues involved in working with this client group

Consultation was undertaken through a range of approaches, which included;

- Stakeholder meetings
- Discussion and exploration of the issues with the Safer Croydon Partnership and other partner agencies and local groups
- Circulation of draft copies of policy around the agencies and partners for; comments, suggestions, amendments, which have been incorporated into it
- Specialist groups have commented on local priorities

Key aspects of the unauthorized encampment policy has also informed and underpinned the development of operational procedure guidance for day to day management and monitoring of our partnership work for this group. This operational guidance has been drafted and developed in partnership through a dedicated working group; face to face, email and telephone discussions.

SECTION 3: ANALYSING YOUR EQUALITY INFORMATION

3.1	From the information you have gathered (including information gathered to fill existing gaps) and the engagement you have undertaken how are each protected group affected (positively or negatively, or not affected at all)? What changes could be made to the policy, strategy, function, project or activity to mitigate a negative impact?
Age	

	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
0–18 years	Y			The policy identifies areas of need, underpinning legislation requiring councils to address this and by engaging departments in preparing the strategy, begins the development of partnership relationships that will be central to achieving success.	Training for officers undertaking assessments to ensure that all needs are identified and that appropriate referrals are made to other services.
19-35	Y			The strategy identifies employment, health and accommodation needs as well as evidencing the legislation or guidance requiring these approaches to be incorporated in our range of service provision and monitoring of targets.	Training for officers undertaking assessments to ensure that all needs are identified and that appropriate referrals are made to other services.
36-65	Y			As above	As above
Over 65	Y			As above	As above
Disability					
	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
Learning disability				As above	As above

Physical disability				As above	As above
Mental health				As above	As above
Deaf or hard of hearing				As above	As above
Visually impaired				As above	As above
Other, incl carers				As above	As above

Gender/Sex

	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
Female	Y			As above, with particular health issues around procreation (miscarriages, stillbirths etc) and Domestic Violence support needs.	As above
Male	Y			As above, in particular relating to employment support needs and general healthcare	As above
Gender reassignment			✓	Not addressed	

Race/Ethnicity

	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
--	------------------------	------------------------	-------------	-------------------------------	------------------------------------

Asian			X		
Black			X		
White	Y			As above	
Mixed			X		
Other, such as Travellers	Y			As above	
Religious/Faith Groups					
	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
Buddhist			X		
Christian	Y			As above	
Hindu			X		
Jewish			X		
Muslim			X		
Sikh			X		
No religion/faith	Y			As above	
Other					
Sexual Orientation					

	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
Heterosexual	Y			As above, family issues included in strategy	As above
Lesbian			X		
Gay			X		
Bisexual			X		
Pregnancy and maternity					
Pregnancy and maternity	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
	Y			As above	As above
Marriage and civil partnership					
	Positive Impact	Negative Impact	None	Brief detail of impact	What changes could be made?
Marriage/civil partnership	Y			As above	As above
3.2	From the information you have gathered and the engagement you have undertaken describe how the policy, strategy, function, project or activity actively enables the council to meet its public duties to:				

<p>Advance equality of opportunity between different groups of people by removing or minimising disadvantages</p>	<p>Croydon Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. However, people living a traveller lifestyle should consider any potential nuisance or harm that they may inflict on others and the same standards of behaviour are expected of gypsies and travellers as for the rest of society.</p>
<p>Advance equality of opportunity between different groups of people by taking steps to meet needs</p>	<p>As noted above, the policy includes identified needs broken down into key areas of service provision. This allows responsible personnel to liaise as necessary in order to address need and improve equality of opportunity.</p>
<p>Advance equality of opportunity between different groups of people by encouraging participation in public life</p>	<p>Gypsies and travellers are often isolated both geographically and socially, traditionally avoiding involvement with local authorities and the police because they do not see them as natural allies. This is a significant hurdle to overcome if we are to engage the traveller population alongside the settled population to participate in 'public life'. Indeed the nomadic nature of their lifestyle does not lend itself to lengthy periods in a fixed area, counteracting any efforts we may undertake.</p>
<p>Eliminate discrimination</p>	<p>The strategy includes all the requirements and responsibilities of local authorities and partners included in legislation and government guidance. Adherence with these requirements and engagement of the traveller community could make significant improvements in the level of discrimination that travellers encounter.</p>
<p>Eliminate harassment</p>	<p>As Above.</p>
<p>Eliminate victimisation</p>	<p>As Above.</p>

Foster good relations between different groups and communities by tackling prejudice	The strategy contains details of requirements upon local authorities and partners to work in partnership to tackle prejudice. The Race Relations Amendments Act (RRAA) 2000 sets out the duty of local authorities to promote good race relations, equality of opportunity and community cohesion in all policy and practice. The strategic aims and objectives will also be picked up within the operational procedure guidance we develop.	
Foster good relations between different groups and communities by promoting understanding	As Above.	
3.3	Having considered the potential or actual effect of the policy, strategy, function, project or activity on equality make an informed judgment about what should be done (more than one may apply)?	
Outcome	Definition (more information is available in the guidance)	Judgment (Y/N)
Outcome 1: no major change	Your assessment demonstrates that the policy is robust and the evidence shows no potential for discrimination and that you have taken all appropriate opportunities to advance equality and foster good relations between groups.	Y
Outcome 2: adjust the policy	This involves taking steps to remove barriers or to better advance equality and introducing measures to mitigate the potential effect.	
Outcome 3: continue the policy	This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not unlawfully discriminate.	
Outcome 4: stop and remove the policy	If there are adverse effects that are not justified and cannot be mitigated, you will want to consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.	
3.4	Planning actions – please record all actions arising from the assessment, with clear targets, milestone and lines of responsibility.	

Protected group ¹	Action (SMART)	Intended Outcome	Completion Date	Lead Officer	Lead Partner ²
Gypsies and Travellers	To review the assessment process used for unauthorized encampments and ensure engagement from all parties including health, education and social services as necessary	To better assess and deal with issues arising from unauthorized encampments	August 2013	Andy Opie	Council
Gypsies and Travellers	To deliver training to staff delivering assessments of unauthorized encampments	To consistently respond to unauthorized encampments and ensure equalities issues are managed effectively	October 2013	Andy Opie	Council

¹ Enter in this column which of the protected characteristics that the action encompasses: race/ethnicity (r), disability (d), age (a), sexual orientation (so), gender/sex (g), religion/belief (rb), gender reassignment (gr), marriage and civil partnerships (m), pregnancy and maternity (pm).

² If appropriate.

3.5 Please indicate the risks and what will be done to address them? Risks may need to be recorded in your risk register.						
Risk/ issues identified	Action required	Resource implications	Timescales	Lead Officer	Expected outcome	Progress
Enforcement against encampments may affect the gypsy and traveler community disproportionately	Ensure the assessment process is robust and that staff are appropriately trained	Officer time required	By Oct 2013	Andy Opie	Consistent identification of issues and proportionate use of enforcement approaches	

SECTION 4: MONITORING AND REVIEW

4.1 Equality impact assessment is an ongoing process that does not end once a policy, strategy, function, project or activity has been agreed or implemented.	
Question	Response
How will you measure the effects of the policy on equality?	<ul style="list-style-type: none"> • Improved school attendance of traveller children • Improved engagement with healthcare services of traveller families • Reduced reports of anti-social behaviour and crime attributed to traveller encampments •

When will the policy be reviewed?	Annually
What type of equality information is needed for monitoring and how often will it be analysed?	<ul style="list-style-type: none"> • Healthcare services (NHS) GPs & local Hospital • Education provision • Children, Families and Learners (includes DV) • Housing department (fixed site – residential) • Planning & Environment – unauthorised encampments & enforcement • Police, ASB & Community Safety – ASB & crime figures (traveller related) • Unemployment figures (traveller related)
How will stakeholders be engaged in the implementation, monitoring and review?	Through regular stakeholder meetings, either developed specifically for this client group or as strands encompassed in existing performance monitoring and management review meetings with a dedicated officer collating all the findings into one accessible site.

5.1	Before sending the EqIA to be approved by the relevant director use the following checklist to ensure the process is completed. The completed initial EqIA should also be checked.	
		Y/N
	The EqIA clearly outlines the purpose of the policy, strategy, function, project or activity? (initial and full assessment template)	Y
	The EqIA clearly outlines how the policy, strategy, function, project or activity relates to equalities and to the council's public duties? (initial and full assessment template)	Y
	The EqIA clearly outlines the evidence available and the information gathered for the assessment? (full template only)	Y
	The EqIA clearly outlines the community engagement undertaken for the assessment? (full template only)	Y

The EqIA clearly identifies the impact on each protected group based on the information available and how the policy, strategy, function, project or activity enables the council to meet its public duties? (full template only)	Y
Final judgement has been made based on the evidence available? (full template only)	
The EqIA identifies SMART actions and identifies risks? (full template only)	
The EqIA includes information on how the policy, strategy, function, project or activity will be monitored and reviewed? (full template only)	Y

SECTION 6: DECISION MAKING AND PUBLICATION

6.1	I agree with the outcome of the above EqIA and actions arising, and have integrated the outcome into the policy decision	
Lead Officer		
Name	Andy Opie	
Signature		
Date	17th April 2013	
Lead Director		
Name	Anthony Brooks	
Signature		
Date	17th April 2013	
Date sent to corporate equalities and cohesion team (data.equalities@croydon.gov.uk)		

THIS SECTION TO BE COMPLETED BY THE CORPORATE EQUALITIES AND COHESION TEAM

Publication Date (summary on website)	
--	--