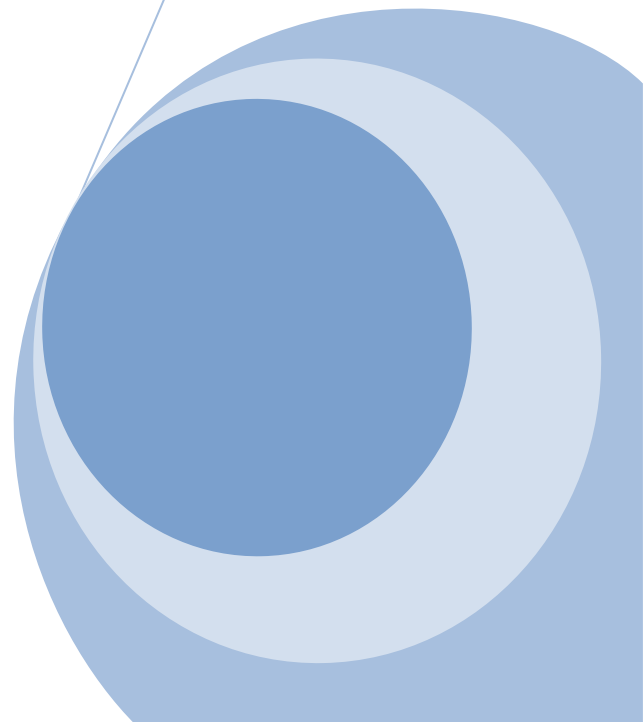


GYPSIES AND TRAVELLERS: DISADVANTAGE AND DISCRIMINATION



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About Waterhouse Consulting Group

Waterhouse Consulting Group is a multi disciplinary management consultancy that brings together the UK's leading experts to deliver services in equalities & diversity, counter-extremism training, research and executive search.

Waterhouse Consulting Group

Newland House, 2nd Floor,
137-139 Hagley Road,
Birmingham, B16 8UA. UK.
Tel: (0121) 285 0440
Fax: (0121) 455 9363
E-mail: info@waterhouseconsulting.co.uk
Web: www.waterhouseconsulting.co.uk

Gypsies and Travellers: disadvantage and discrimination

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Chapter One

Traveller Groups: definitions and categories

In the Great Britain, Travellers and Gypsies form a diverse set of groupings, of which the following are frequently distinguished:

- Romany Gypsies
- Irish Travellers
- English, Welsh and Scottish Travellers
- Eastern European Roma
- Show and Fairground Travellers
- Bargees
- New Age Travellers

Only Romany Gypsies¹ and Irish Travellers² are recognised in law as racial groups in England and Wales and receive the full protection of the Race Relations Act 1976 (RRA 1976). The RRA 1976 prevents discrimination in the provision of goods and services on the grounds of ethnicity, and includes Romany Gypsies (English, Scottish or Welsh) and Irish Travellers within its definition of 'ethnic origin'.

Traveller groups fall into ethnic, cultural, social and business communities, including those who pursue both nomadic and sedentary lifestyles. Show and Fairground Travellers consider themselves a commercial/business community rather than an ethnic group. Bargees and other families living in boats, and New Age Travellers form a diverse population with varying beliefs and backgrounds who live a nomadic existence.

Gypsies and Travellers may pursue a nomadic lifestyle all year round or occupy local authority sites, private sites, or unauthorised encampments, on a seasonal basis. Alternatively, they may have come to lead a sedentary lifestyle in permanent housing.

¹ Commission for Racial Equality v Dutton (1989) 2 WLR 17

² CRE v Punch Retail, the Times 29 August 2000

Chapter Two

Enumeration issues

There are no official national figures on the size of the Traveller and Gypsy population. Neither the Census 2001, nor the CRE recommended ethnic monitoring set, included a category for Gypsy/Traveller, possibly because it was felt that the current means of gathering ethnic data would be ineffective in capturing information about this group. Nevertheless, it is estimated that there are around 300,000 Gypsies and Travellers in Britain. This would mean that the number of Travellers and Gypsies was equivalent in size to Britain's Bangladeshi community (280,000). Within this overall category, it is estimated that there are 63,000 Romany Gypsies and 19,000 Irish Travellers.

The ODPM coordinates twice-yearly counts of the number of Gypsy caravans, and the number of Gypsy families on authorised sites, and a single count of the number of Gypsy caravans in unauthorised encampments. The count is conducted by local authorities, but there are major problems with these forms of enumeration. The twice-yearly counts of caravans only count those resident on sites at the time of the count. There is little data about how Gypsies and Travellers link to the mainstream, or on their needs or level of deprivation. The count does not include housed Gypsies and Travellers, and the count no longer takes place in Wales.

Local authorities see no purpose in collecting this data, as they are no longer under any statutory duty and, in practice, make little use of count information. Difficulties in recording such loosely defined categories as 'Gypsy families' compound the unreliability and ineffectiveness of count information. Figures for physical items such as caravans and pitches are likely to be more accurate than figures for personal information, such as family size and age.

Little is known about the life chances of Gypsies and Travellers on all of the key indicators by which inequality is measured. Gypsies and Travellers are almost invisible in official statistics. They are not identified by the census, nor in most monitoring of service outcomes.

Gypsies and Travellers are apprehensive of impersonal authority and about giving information about themselves and need to be reassured about how the data will be used. Ideally, Gypsies and Travellers should be persuaded to collect and supply information about themselves.

Chapter Three

Disadvantage and discrimination

Traveller and Gypsy communities are considered the most disadvantaged and socially excluded ethnic minority groups and continue to experience widespread discrimination and prejudice.

a. Sites

Some Travellers travel all year round, others undertake seasonal journeys, and some have made a transition to a sedentary lifestyle. Accommodation can range from entirely nomadic through to occupation of transit or permanent sites, unauthorised encampments, caravans on residential sites, and houses. Of those living on sites (public or private, authorised or unauthorised), recent research estimates that there are 8,455 families seeking to occupy just over 5,000 pitches (of all classifications).³ It is envisaged that there is a need for the provision of between 2,000 and 2,500 additional transit pitches and between 1,000 and 2,000 additional permanent pitches by 2007.⁴

The Caravan Sites' Act 1968 provided a statutory obligation for local authorities to provide 'adequate' accommodation for Gypsies and Travellers, only so far as to meet a finite need. This was poorly managed and the duty was repealed in 1994, and replaced by Circular 1/94, which was supposed to result in local authorities assisting Gypsies/Travellers to purchase their own land and develop sites. This approach failed because some local authorities applied strict criteria to applications, frustrating Gypsy and Traveller efforts to obtain planning permission. Research in 1999 showed that while 20 per cent of general planning applications were turned down, the figure for Travellers was 90 per cent. This was followed through with 63 per cent of Travellers' appeals being dismissed.⁵

³ IPPR (2002), November, *Travellers and Gypsies: Moving the Debate On* Institute for Public Policy Research, p 2.

⁴ ODPM and Niner, P. (2002), *The Provision and Condition of Local Authority Gypsy and Traveller Sites in England*, University of Birmingham

⁵ All Party Parliamentary Group for Traveller Law Reform, p 1.

The Criminal Justice and Public Order Act (CJPOA) 1994 moved away from the need for site provision to a focus on controlling unauthorised encampments, placing public and policy debate about Gypsy and Traveller needs in a context of criminality, public order and anti-social behaviour.⁶

Over the last seven years, site accommodation has dramatically reduced with a loss of 596 authorised pitches, and with over 150 district councils and boroughs providing no authorised sites of any kind, resulting in an increase in unauthorised encampments.

Of the settled population, 0.6 per cent are homeless, yet the latest Gypsy Council figures from the ODPM for January 2003 show that 18 per cent of the Gypsy Traveller population is technically homeless (i.e. without an authorised place to stop and thus meeting the definition of homelessness in the Housing Act 1996 Part VII). This one act of parliament in 1994 effectively destroyed the Gypsy way of life.⁷

The lack of stopping places and transient sites leaves families with little choice than to set up unauthorised encampments, leading to their further criminalisation. The majority of 15,000 caravans that are home to Gypsy and Traveller families in England is on sites provided by local authorities, or which are privately owned with planning permission for this use. But more than a quarter of those 15,000 caravans, or 27 per cent, are not on legal sites.⁸

Unauthorised encampments are cited as the main source of conflict between the settled and Gypsy and Traveller communities. Often opposition to local authority provision of sites is fuelled by public reaction to unauthorised encampments, which is the inevitable result of failing to provide authorised sites in the first place.⁹ Police and local authorities have extended powers to move Travellers and Gypsies on under the Criminal Justice and Public Order Act 1994 and the Anti-Social Behaviour Act 2003, but both these acts fail to make provision for where to move them to.

⁶ IPPR (2003), July, *Moving Forward, A consultation paper on the provision of accommodation for Travellers and Gypsies*, Institute for Public Policy Research, p 5.

⁷ Monbiot, G., 'Acceptable Hatred', November 4 2003, The Guardian.

⁸ ODPM and Niner, P. (2002), *The Provision and Condition of Local Authority Gypsy and Traveller Sites in England*, University of Birmingham.

⁹ IPPR (2005), January, Crawley, H., *Accommodation for Travellers and Gypsies is key to solving local tensions*, Institute for Public Policy Research.

Local authorities have little incentive to provide new accommodation. The measures adopted encourage families to cross local authority boundaries, temporarily solving the problem for one authority, but not for the next, and leading to the continual harassment of the families involved. The Anti-Social Behaviour Act now provides that those powers cannot be used unless there is a suitable pitch to which the Gypsies or Travellers can move, following consultation by police with local authorities. The shortage of sites has meant that, in practice, the new powers have been little used.

Where local authorities provide sites, all too often they are small, well hidden caravan sites that are frequently located near busy main roads, sewage plants or electric pylons, ghettoising Gypsies and Travellers apart from the settled community and denying them easy access to most public services. Evidence shows that the location and condition of these sites would not be tolerated for any other section of society.¹⁰

Gypsies and Travellers on authorised sites do not receive the same security of tenure as that enjoyed by residents of mobile park homes, which can mean that, in spite of living on a site for twenty years, they can be given as little as 28 days notice to leave a site. High rents and other charges may mean that it is more expensive to live on a council camp site than in social housing.

Planning authorities have refused Gypsies and Travellers permission to live on land they have bought,¹¹ supporting the view that the real intention behind recent legislation was to try and force Gypsies and Travellers into settled accommodation, in an attempt to cull their way of life. It cannot be said that even those living on legal sites (for which, if tenants, they pay rent and utilities as others do) experience equality of provision.

Another source of mistrust stems from the fact that staff who act as site wardens and who try to work with and for Gypsies and Travellers also act as the representatives of

¹⁰ ODPM (2004), May, *Select Committee inquiry into Gypsy and Traveller sites*, and Niner, P., (2002), *The Provision and Condition of Local Authority Gypsy and Traveller Sites in England*, University of Birmingham.

¹¹ Leeds Gypsy and Traveller Exchange, Jones, H., 'Reality of Gypsy Life', November 5 2003 *The Guardian Letters*.

the local authority which applies for the court order to remove Gypsies and Travellers from illegal sites. This dual role restricts the development of relationships of trust.

Local authorities are reluctant to provide more than their fair share of encampments for fear of attracting Travellers and Gypsies from other areas of the country and becoming a 'honey pot' for Travellers.¹²

The Gypsy and Traveller accommodation need is relatively small compared with other housing requirements. The number of authorised pitches needed is estimated to be no more than 5000. This provision would meet duties not only to provide equal opportunity, but also to promote good race relations.¹³ ODPM research shows the number of caravans on unauthorised sites to have remained at around 2,500 during the past five years, rising by approximately another 800 caravans in July.¹⁴

The accommodation struggle has led to calls by the House of Commons Local Government and Planning Select Committee for the reintroduction of the duty on councils to provide sites for Gypsies and Travellers, in order to address the apparent shortage of legal sites. The Local Government Association (LGA), while agreeing with the recommendation, warned that planning procedures must be appraised to enable Gypsies and Travellers, who want to buy, to develop their own sites without being driven to set up unauthorised encampments.

DETR and Home Office joint guidance on unauthorised encampments

In 1997, joint guidance on unauthorised encampments was issued to local authorities and police emphasising the 'toleration of encampments' and good practice on eviction. The guidance was amended in 2000, drawing distinctions between unauthorised encampments where there are no problems and no criminal offence and those where there is anti-social and criminal behaviour.

¹² IPPR (2005), January, Crawley, H. *Accommodation for Travellers and Gypsies is key to solving local tensions*, Institute for Public Policy Research.

¹³ Traveller Law Reform Coalition to the ODPM Housing, Planning and Local Government and the Regions Committee, *Draft Submission* p 2.

¹⁴ IPPR (2003), July, *Moving Forward, A consultation paper on the provision of accommodation for Travellers and Gypsies*, Institute for Public Policy Research, p 6.

ODPM guidance

Circular letters from the ODPM in 1998 and 1999 highlighted local authorities' planning responsibilities to Gypsies and Travellers seeking their own sites 'in light of evidence of continuing problems facing Gypsies seeking planning permission for sites'.¹⁵

In 2002, the Home Office and ODPM announced the intention to introduce enhanced police powers to deal with unauthorised camping. The extended powers were only to be available in areas where the local authority had made provision for sites and stopping places.¹⁶ This is intended to ensure sufficient sites are created, recognising the accommodation needs of Gypsies and Travellers alongside those of other members of the community.

b. Housing

Nomadism is central to the lives of many Gypsies and Travellers. Of equal importance are their travelling traditions. Only 50 per cent of Gypsies and Travellers live in caravans.¹⁷ Some Gypsies and Travellers choose to reside in settled housing, particularly the elderly and those with young children. This is not, however, the preference of the majority. Those living in settled housing are still keen to maintain their nomadic traditions and the potential for returning to the road.¹⁸

Historically the government appears to have taken the decision to legislate against the travelling lifestyle, in the hope this will force Gypsies and Travellers to give up their travelling ways and move into houses. Many have cited such legislation as the CJPOA 1994 as containing provisions that will reduce the number of authorised Gypsy sites available in an attempt to destroy the nomadic way of life.¹⁹

¹⁵ ODPM (2003), *Local Authority Gypsy/Traveller sites in England*.

¹⁶ ODPM (2002), *The provision and condition of local authority Gypsy/Traveller sites in England*.

¹⁷ CRE (2005), *Gypsies and Travellers: The Facts* (London: Commission for Racial Equality)

¹⁸ Thomas P.A. & Campbell S. (1992), *Housing Gypsies* (Cardiff: Cardiff University Law School), p14-17.

¹⁹ See O'Nions, H. (1995) 'The Marginalisation of Gypsies' *The Web Journal of Current Legal Issues* (London: Blackstone Press)

Gypsies and Travellers are frequently seen as making themselves intentionally homeless and self-imposing poverty on their communities by rejecting social norms.²⁰ Travelling traditions are blamed for their continuing social disadvantages. But anti-nomadic legislation, rather than the tradition of travelling, is a more likely candidate to blame for its detrimental impact on the welfare of Gypsy and Traveller families. Lack of provision of authorised sites means many families will find it impossible to acquire adequate schooling for children, to access public services, or to obtain basic amenities, such as clean water.

Attempts to force Gypsies and Travellers to adopt a sedentary lifestyle is central to the oppositional political struggle of those who believe travelling is the key to maintaining their ethnic identity.

c. Education

There are an estimated 42,000 Gypsy and Traveller children in England, who are seriously disadvantaged by the educational system. It is believed that the numbers not enrolled have probably increased from 10,000 in 1996 to 12,000 in 2003.²¹ The average attendance rate for Gypsy and Traveller pupils is around 75 per cent, which is the worst attendance rate of all ethnic groups. The 2003 OFSTED Report claimed that ‘the vast majority of Traveller pupils linger on the periphery of the education system’²², and estimated the secondary enrolment rates of the Traveller Education Services (TESs) visited averaged just over 60 per cent at secondary (47 per cent at Key Stage 4 – GCSE) level.²³

Research shows that the level of attainment of Gypsy and Traveller pupils, particularly at secondary school level, is very low. ‘In all schools where information is available, over 50 per cent of the Gypsy Traveller population were on the SEN

²⁰ Brafield H. (2003) *Consulting with Hard to Reach Service Users of Housing Related Support Services at Strategic Level for ‘Supporting People’* (London: ROCC).

²¹ OFSTED (Office for Standards in Education) (2003), *Provision and Support for Traveller pupils* (ref HMI 455), p 8.

²² Same as above, p3.

²³ Same as above.

[special educational needs] register, and in one school it was 80 per cent. In half the schools, no Gypsy Traveller child has yet sat for GCSE'.²⁴

Gypsy Travellers of mostly Roma and Irish heritage have the lowest educational attainment of any ethnic minority group. Of all pupils, 50.7 per cent achieved 5+ A*-C in GCSEs in 2003, but only 23.2 per cent of Gypsy/Roma children achieved this standard.²⁵ Gypsy and Traveller children are also statistically more likely to be excluded from school than most other pupils.²⁶

Failure to meet the educational needs of Traveller children, according to Save the Children, is not because of their moving around, but because of the prejudice they encounter, and a failure by schools to acknowledge Traveller culture or lifestyle. Also brought into question has been the willingness of schools to admit Gypsy and Traveller communities, due to the perceived detriment these pupils may have on school league tables of attendance and academic performance, and the popularity of the school.²⁷

d. Health and social services

Poor accommodation provision has severe consequences for the health and lives of Gypsies and Travellers. Traveller women live on average 12 years less than women in the general population and Traveller men 10 years less than men in the general population.²⁸ Gypsies and Travellers are thought to have the highest maternal death rate among all ethnic groups and high rates of infant mortality.²⁹ The difficulties, and even inability, of Gypsies and Travellers to access health care services are

²⁴ HMI report (1999), *Raising the Achievement of Minority Ethnic Pupils*, (ref HMI 170), (London: OFSTED).

²⁵ Home Office (2005), *Table 3.1: Race Equality in Public Services*, Race Cohesion Equality and Faith directorate, p 26.

²⁶ HMI report (1999), *Raising the Achievement of Minority Ethnic Pupils*, (ref HMI 170), (London: OFSTED).

²⁷ Bhopal, K. (2000), *Working Towards Inclusive Education: Aspects of good practice for Gypsy Traveller pupils* Department for Education and Skills, p 35.

²⁸ Barry, J., Herity, B., Solan, J. (1987), *The Travellers Health Status Study: Vital Statistics of Travelling People*, Dublin, Health Research Board.

²⁹ Lewis, G., and Drife, J. 'Why Mothers Die'. *The 5th report of the confidential enquiries into maternal deaths in the UK 1997-1999*.

compounded by the lack of permanent sites on which to live.³⁰ The paucity of authorised sites means limited access to primary health care.

Enforced movement impacts on continuity of care, access to preventive treatments, getting referrals, and keeping appointments. Gypsies and Travellers often encounter difficulties in registering with a GP, due to refusal by GP surgeries, as the staff may believe, for example, that the inclusion of this minority will result in lower immunisation rates for the practice.³¹

Progress is being made in addressing the health of Gypsy and Traveller communities and a recent report, providing a comprehensive picture of communities' health needs, suggests a more positive approach.³² There are a few good examples of health care provision, such as the National Association of Health Workers with Travellers and a dedicated health visitor service. However, health and social care staff need more training to improve the quality of care provided to Travelling communities and to address stereotypes like 'they're going to be non-compliant. Social workers think dogs will attack them. They're worried about large numbers of children wandering about, and think Traveller people won't necessarily be honest about their situation'.³³

e. Criminal justice

Gypsy and Traveller communities are often viewed as a criminal class by the public and criminal justice agencies alike, with a recent policing strategy identifying the Traveller communities as 'one of the most problematic policing issues in the UK at present'.³⁴ The relationship between Gypsy and Traveller communities and the criminal justice system is primarily in relation to unauthorised encampments, through the powers provided under the CJPOA 1994 and the Anti-Social Behaviour Act 2003,

³⁰ IPPR (2003), *July Moving Forward, A consultation paper on the provision of accommodation for Travellers and Gypsies*, Institute for Public Policy Research, p 6.

³¹ Feder, G.S. (1994), *Traveller Gypsies and primary health care in East London* (London: PhD thesis, St Thomas's Hospital Medical School, University of London).

³² Parry, G. *Report DoH on the health of adult Gypsies and Travellers: comprehensive picture of the community's health needs*, Department of Health.

³³ Travellers Aid Trust Greenfields, M., 'Left by the wayside', 10th August 2004.

³⁴ Taggart, I. (2004), *Gypsy Travellers A Policing Strategy*, 'Why don't you just move them on?' Grampian Police, p 8.

or the investigation of crimes reported by the settled community.³⁵ Policies in relation to unauthorised encampment issues vary nationally, along with the method of enforcement adopted by individual police forces. Some police forces have set up Gypsy Traveller liaison units and adopted community liaison roles.

There have been several high profile incidents reported in the media of standoff between bailiffs and Travellers,³⁶ villagers barricading unauthorised encampments to prevent further illegal development, and of demonising Traveller families as ‘playing the race card’ to justify flouting planning permission.

There has also been support for the settled community and reluctance on the part of the police to prosecute incidents of racial harassment and discrimination when the victims are Gypsies and Travellers, for example, the bonfire display in Firle, East Sussex, in 2003, where villagers ‘built a mock caravan, painted a Gypsy family in the windows, added the number plate P1KEY, ...then metaphorically purged themselves of this community by incinerating it’.³⁷ Only after considerable political pressure did police arrest twelve Sussex villagers on race hate charges.

Policing methods for this community have previously included continual stop checks and site visits, leading to lack of confidence in the police, and it is rare for Gypsies and Travellers to report incidents, including those of racial harassment, to the police.³⁸

Indicative of the relationship between Gypsies and Travellers and the criminal justice system was the case of the horrific killing of John Delaney, a 15 year old Traveller, in May 2003. John Delaney died in a confrontation with a group of youths who called him a ‘gypsy bastard’. The two youths were cleared of murder, but convicted of manslaughter, with the judge stating the attack was not racially motivated, sparking little reaction amongst the public, but proving to be of the same symbolic importance

³⁵ Taggart, I. (2004), *Gypsy Travellers A Policing Strategy*, ‘Why don’t you just move them on?’ Grampian Police, p 45.

³⁶ January 2005 there was a standoff as bailiffs tried to remove 21 families from a site in Bulkington in north Warwickshire. The site had been developed on land the Travellers owned but for which they did not have planning permission.

³⁷ Monbiot, G., ‘Acceptable Hatred’ November 4, 2003, *The Guardian*.

³⁸ Taggart, I. (2004), *Gypsy Travellers A Policing Strategy*, ‘Why don’t you just move them on?’ Grampian Police, page 45

for Gypsies and Travellers as the murder of Stephen Lawrence for the black community.³⁹

f. Employment and self employment

There has been little engagement by Gypsies and Travellers in full time waged work, in the past. Their reliance on the family unit to contribute to finances and their preference for self-employment are often rebuked as anti-social behaviour and evidence of ‘work-shy’ parasitism on the working settled communities.⁴⁰

Historically, there has been a reliance on the labour and services Gypsies provided and their nomadism took advantage of seasonal work opportunities. Gypsies and Travellers have moved around the UK, finding employment and temporary accommodation on farms as seasonal agricultural labour, for example, during fruit and potato picking seasons. Other working traditions include licensed hawking, peddling, basket making and horse dealing. Changes in farming practice, advances in technology and tighter trade restrictions and licence requirements have all contributed to a reduction in these kinds of occupation.

Gypsies and Travellers are employed in many sectors, such as education, health, finance, sport, leisure and entertainment industries, but are often difficult to identify as they may chose to hide their ethnicity for fear of discrimination in their opportunities to access and progress in mainstream employment. Many Gypsies and Travellers choose not to declare their ethnicity for fear their application will be rejected. They are further at risk of being discriminated against on the basis of their name and address, particularly if the site address is given.

³⁹ Ward, D., and Carter, H., ‘Youths Guilty of killing Traveller 15’ November 29 2003, The Guardian.

⁴⁰ O’Nions, H. (1995) ‘The Marginalisation of Gypsies’ *The Web Journal of Current Legal Issues* (London: Blackstone Press)

Chapter Four

Pariah status and levels of prejudice against Gypsies and Travellers

The Stonewall Report in 2003,⁴¹ described stereotypes used to justify prejudices, such as claims that Gypsies and Travellers don't pay taxes, make their money through crime, have unreliable business practices, and have no respect for the environment.

Lack of accommodation has a negative impact on Gypsies and Travellers, as they find it increasingly difficult to access basic services. They are excluded thus from many services, reinforcing their pariah status and, in the case of settled communities, resulting in a deterioration in race relations.⁴²

Gypsies and Travellers are often blamed for tipping. Legal sites, however, can lack basic toilet facilities and waste disposal. Rubbish should be cleared away as a matter of urgency from all sites and within the same time frame as city centre areas are cleared. This would contribute to better relations with the settled community. ODPM guidelines recognise the need for short-term sites to provide access to toilets, a refuse skip, and a supply of drinking water.

Unauthorised encampments, planning and enforcement issues are highlighted as the source of tensions with the local community and are damaging to community relations. 'Local authorities face fierce local opposition to the provision of sites, yet know that this is fuelled by public reaction to the unauthorised encampments which are the inevitable result of failing to provide authorised sites'.⁴³

Legislation and policy have the effect of criminalising Gypsies and Travellers. Life is criminalised through legislation and policy by, for example, the deliberate delays and difficulties experienced in obtaining planning permission for private sites, resulting in many Gypsies and Travellers moving on to their land before getting permission. A

⁴¹ Valentine, G. & McDonald, I. (2004), *Understanding Prejudices* (London: Stonewall).

⁴² Cottenham Residents' Association and the Gypsy Traveller Law Reform Coalition, (2004) *Joint Statement*

⁴³ IPPR (2003), July, *Moving Forward, A consultation paper on the provision of accommodation for Travellers and Gypsies*, Institute for Public Policy Research, p 10.

series of such incidents has led to vitriolic press coverage denouncing the Travellers involved, with little understanding of the reasons why they can find it impossible to find a legal site.

The media play a key role in shaping attitudes, particularly as many in the settled community have never interacted with Gypsies and Travellers. Selective reporting inflames racial and community tension, while often failing to publicise Gypsies and Travellers' experiences as victims of crime.

Members of the Conservative party have at times launched concerted attacks on Gypsies and Travellers, describing them as 'scum' who invade public places and do not deserve the same human rights as other citizens,⁴⁴ and pledging, where necessary, to fight for human rights legislation to be amended to exclude Traveller groups from its protection, 'so that it cannot be used to frustrate the enforcement of the law in relation to unauthorised development of land'.⁴⁵

Exclusion from public life often means Gypsies and Travellers are poorly placed to defend themselves against discrimination. Travellers believe one of the main reasons for rejection by, conflict with, and animosity from, the sedentary community is the refusal of British society to recognise their right to a nomadic way of life.⁴⁶

It is apparent that unless there are legal safeguards, local authorities will resist their responsibilities to Gypsies and Travellers because of the level of opposition from local electorates.

⁴⁴ Mackay, A., 'Tory rails against Traveller Scum' 12th January 2002, *The Guardian Unlimited*, 3.15pm update.

⁴⁵ Hammond, P., 'Councils required to create travellers' sites' 27 January 2005 *The Guardian*.

⁴⁶ Taylor, D., 'Gypsy Voices', 19th August 2003, *The Guardian*.

Chapter Five

Legal protection

The Race Relations Act

The Race Relations (Amendment) Act 2000 introduced a general duty on all public bodies to eliminate unlawful racial discrimination, and to promote equality of opportunity and good race relations between people of different racial groups. The Act applies to all local authorities, schools, health bodies, criminal justice agencies and central government departments, all of which impact upon Traveller and Gypsy communities. Romany Gypsies and Irish Travellers have been considered as ethnic groups in Britain for the purposes of the Race Relations Act since 1988 and 2000 respectively. It is conceivable that other Gypsies and Travellers who are ethnic or national in origin could, in future, be recognised as a racial group⁴⁷.

Most recently, the RRA has been successfully used by the CRE to investigate, and issue non-discrimination notices against, residents who had put pressure on a local authority to refuse council housing to a Gypsy family.⁴⁸

Identity in this context is not defined by a nomadic lifestyle and, therefore, there is still a failure to consider New Age or Occupational Travellers, who are not defined as racial groups, and, as such, are unprotected by statute but, as social groups, may face the same levels of discrimination.

Planning regulations include Travellers and Gypsies on the basis of a nomadic lifestyle, and therefore incorporate New Travellers, who are not defined as an ethnic group. Identity in this context is based on the ability to demonstrate travel (for economic or traditional reasons) for a minimum specified period each year.

⁴⁷ West Mercia CJB (2004), May, *Gypsy and Traveller Communities in West Mercia*, West Mercia CJB, p 7.

⁴⁸ Johnson, C., and Willers, M. (2004), s.31 RRA 1976, prohibits pressure to discriminate.

Crime and Disorder Act and the Public Order Act

Gypsies and Travellers are statutorily protected from racially motivated crimes in offences specified in the Crime and Disorder Act 1998 and the Public Order Act 1986.

European Convention on Human Rights

The European Convention on Human Rights also provides protection to all citizens including Gypsies and Travellers, under Article 8, the right to private and family life, and Article 14, the right of prohibition from discrimination. The Human Rights Act 1998 requires that all legislation be considered and applied in a way that is compatible with the European Convention on Human Rights.

European Council Directive

The European Council Directive 2000/43/EC, also known as the Race Directive, has been issued to implement the principle of equal treatment between persons irrespective of racial or ethnic origin and should have been implemented by all the member states by 19 July 2003. This Directive gives effect in United Kingdom law to the provisions of Article 13 of the Treaty of Amsterdam, outlawing discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, and may in some cases shift the burden of proof. This promotion of anti-discrimination overcomes the limitation of Article 14, relating only to discrimination relative to Convention rights.

Human Rights Act 2000

The concept of proportionality, which requires public bodies to consider whether a restriction on the rights of an individual is proportional to the harm that restriction would cause, has provided some protection even to those living on unauthorised sites. In 2001, a Judge ruled that it would be contrary to Articles 8 and 14 to expect a Gypsy to accept conventional housing and to hold it against him that he was not prepared to

accept it. He likened this attitude to penalising a Christian for refusing to work on a religious holiday or a Muslim for refusing to eat certain foods⁴⁹.

In spite of the plethora of anti-discrimination legislation, race equality initiatives under the Race Relations (Amendment) Act, including Race Equality Schemes and housing and homelessness strategies, are rarely conceived with services and employment for Gypsies and Travellers in mind and few action plans include measures to improve services for them. Both English Romany Gypsies and Irish Travellers continue to be marginalised from mainstream service provision.⁵⁰ In October 2004, the CRE launched a scrutiny exercise to establish whether local authorities had built the needs of Gypsies and Travellers into the Race Equality Scheme which the law obliges them to prepare, and mainstreamed the duty in their planning, housing and eviction policies. The findings will be published later this year.

⁴⁹ R (on the application of Clarke) v Secretary of State for Transport, Local Government and the Regions and Tunbridge Wells BC [2001] EWHC Admin 800, 9 Oct 2001).

⁵⁰ IPPR (2003), July, *Moving Forward, A consultation paper on the provision of accommodation for Travellers and Gypsies*, Institute for Public Policy Research, p 5.

Chapter Six

Community self-help and empowerment networks

After many years of being treated as an underclass, some Gypsies and Travellers have been able to claim recognition as an ethnic minority, of equal standing as citizens, leading to the politicisation of their identity. This has not, however, brought with it a recognition or acceptance of cultural and traditional norms, but a continued marginalisation and persecution of the travelling traditions central to their ethnic identity.

There has been much political activity on the national and European stage by organisations representing Gypsy and Traveller interests, such as the Gypsy Council. The Gypsy Council was formed in 1970. Its original purpose was supporting and working towards the educational rights of Gypsy people, and through this work, other issues that impacted on educational prospects, such as health care and lack of legal stopping places, were also included in its business. The Gypsy Council for Education, Culture, Welfare and Civil Rights, was so renamed, to reflect the full extent of its work. The Gypsy Council is a Gypsy-based organisation but welcomes membership from all Traveller groups and interested individuals who are supportive of its aims.

In September 2002, the Traveller Law Reform Coalition (TLRC) was formed. A number of Gypsy and Traveller organisations decided it would be useful to co-ordinate a campaign to get the government to address their accommodation needs. The TLRC is an alliance of Gypsies, Irish Travellers and New Travellers who come together to lobby for reforms to increase the number of sites and to improve levels of social inclusion. Through coordinating the efforts of Gypsy and Traveller communities, this has created a more powerful means of bringing about positive change.

Local networks seem less well developed. The Gypsy Council encourages the establishment of groups to look after Gypsy and Traveller interests which are organised by Gypsies and Travellers themselves. A lack of trust in relationships with

public bodies that represent the interests of settled people,⁵¹ and the fear of being looked down upon, are just two of the barriers to joining 'mainstream' groups.

Similar barriers serve to limit involvement in decision-making with policy makers and local authorities. Limited literacy and traditions of oral communication mean that the consultation mechanisms employed by public authorities are often unsuitable.

Mechanisms that have been used to facilitate consultation include councils employing a dedicated Gypsy Liaison Officer (GLO) to act as a go-between to facilitate access to a range of services. However, GLOs, as employees of the council, need to ensure the interests of both parties are fairly represented. Traveller Education Officers are also a good central contact point. Local authorities wishing to use such representatives need to ensure they are provided with adequate support in their role as advocates, following approval by Gypsies and Travellers themselves.⁵²

The development of links between Gypsies and Travellers and decision-makers will in the longer term enable and encourage Gypsies and Travellers to become decision makers themselves. Capacity building should also be undertaken on sites to encourage self-advocacy, initially focussing on the immediate needs of the Gypsies and Travellers, such as confidence building.⁵³

⁵¹ National Assembly for Wales (2003) *Review of service provision for Gypsies and Travellers* (Cardiff: National Assembly for Wales) see Chapter 9 'The Involvement of Gypsies and Travellers in Decision Making and Policy Development'.

⁵² National Assembly for Wales (2003) *Review of service provision for Gypsies and Travellers* (Cardiff: National Assembly for Wales) see Chapter 9 'The Involvement of Gypsies and Travellers in Decision Making and Policy Development' p44.

⁵³ Same as above.

Chapter Seven

Agencies working for Gypsies and Travellers

The Traveller Education Services (TESs) aim to promote inclusion and opportunities for every Traveller child. A TES operates from within the LEA and assists in finding school places for Traveller children. TES works with families and children to encourage and support their access to education and transfers between schools. TESs work with one another in providing an alert service, giving advanced notice to one another of likely Traveller arrivals in the area. A TES can facilitate distance learning, and also support schools which accept Traveller children. As well as having a direct input into the teaching of Traveller students, a TES acts as a resource to schools to assist them in carrying out their responsibilities.

Primary Care Trusts throughout the country engage in various Traveller health projects and occasionally employ dedicated health workers, such as midwives, to provide mobile services to Travellers.

Most local authorities have a dedicated Gypsy Liaison Officer (GLO) who is responsible for maintaining council sites, collecting rent, and facilitating access to housing, social, and health services.

Chapter Eight

How race equality councils and other voluntary bodies can help.

A 2002 report showed that there is a low level of awareness among Gypsies and Travellers of race equality arrangements, and that they could report racist incidents.⁵⁴ With this in mind, there is much work to be done by RECs and other anti-discrimination bodies to ensure Gypsies and Travellers are afforded equal access and protection under race equality measures, and that Gypsy and Traveller needs are accommodated, as are the needs of other ethnic minority communities.

Race Equality Councils (RECs) should begin by exploring the extent to which consideration has been given to the needs of Gypsy and Traveller groups in race equality schemes and other initiatives arising from the Race Relations Amendment Act. Consideration should be given to RECs' own strategies as well as those of public authorities. The most crucial element has to be direct consultation with Gypsies and Travellers. Mechanisms must ensure that the needs of Gypsies and Travellers are considered in the processes of research, delivery and evaluation, in order to establish the best way to implement recommendations that ensure Gypsies and Travellers are not discriminated against, have better opportunities, and are treated with less hostility by the mainstream settled community.⁵⁵

All policies should specifically identify Gypsies and Travellers as ethnic minorities. This is crucial in raising awareness of responsibilities to all ethnic minority groups. Race Equality Schemes, housing and homelessness strategies, planning regulations, social exclusion and community cohesion strategies, community safety strategies, should all include an acknowledgement of the needs of ethnic minority communities, including Gypsies and Travellers.

⁵⁴ National Assembly for Wales (2003) *Review of service provision for Gypsies and Travellers* (Cardiff: National Assembly for Wales) see Chapter 9 'The Involvement of Gypsies and Travellers in Decision Making and Policy Development' p41.

⁵⁵ Marion, M. Horton Associates (2005), *The Health and Site Needs of the Transient Gypsies and Travellers of Leeds May 2004 to September 2004*.

Far more effort should also be made to include Gypsies and Travellers in routine monitoring data, and evaluate the care given. This rarely occurs at the moment.

Race Equality Councils also have a duty to hold local authorities to account in providing for the needs of Gypsies and Travellers. The CRE and RECs need to highlight public authorities' work on, for example, sustainable communities. Community cohesion policies should encompass the concerns and needs of Gypsies and Travellers.⁵⁶

The recent Home Office report, *Improving Opportunity, Strengthening Society*, setting out the government's strategy for increasing community cohesion, while promoting life chances for Gypsies and Travellers in education and accommodation, contains no specific proposals for, or mention of, building community cohesion in relation to Gypsies and Travellers, despite the intense levels of hostility expressed by settled communities towards them. RECs, particularly in rural areas need to ensure that Gypsies and Travellers are not omitted as at present from the community cohesion agenda.

Local authorities have responsibilities for promoting economic, environmental and social well-being, encouraging and providing for community safety and community cohesion, and promoting race equality. The failure of central and local government to meet the accommodation needs of Gypsies and Travellers, however, appears to show that responses to the demands of the local electorate frequently override these duties.

Making contact with Gypsies and Travellers on local authority sites is a good starting point. Local authority Gypsy Liaison Officers may be able to facilitate preliminary contact, and help to build trust and confidence between race equality personnel and Gypsies and Travellers themselves. It is important to engage directly with Gypsy and Traveller communities, in order to effectively ascertain their needs and wishes in relation to race equality. RECs should begin awareness raising campaigns that clearly outline the purpose and work of the REC, including its complainant aid services, as well as informing Gypsies and Travellers of their rights.

⁵⁶ Same as above, p 4.

An important source of public information is the local media. It is important to engage the media, and encourage them to engage in culturally sensitive reporting. Building bridges between different cultures is a means of dispelling stereotypes. Efforts to encourage positive reporting of Gypsies and Travellers and awareness raising of their culture are vital.⁵⁷

⁵⁷ CRE (2004), *Gypsies and Travellers: A Strategy for the CRE, 2004-2007 (Consultation draft) Summary of responses* CRE, p 3. Also see *CRE Guidance for journalists on reporting race issues* at www.cre.gov.uk/media/guidance.html.

Chapter Nine

Examples of successful projects and good practice

A consultation exercise on the Shirenewton site in Cardiff, enabled residents to input on aspects of the design of the site, prior to its refurbishment. This led to washing blocks being situated at the back of the pitches, rather than at the front, as initially proposed.⁵⁸

A project, whereby the local authority provided residents with single-use cameras to record the parts of their estate that they liked and disliked, may be equally successful for Gypsies and Travellers. This information was valuable in indicating problem areas for residents and used in planning improvements for the estate.⁵⁹

⁵⁸ National Assembly for Wales (2003) *Review of service provision for Gypsies and Travellers* (Cardiff: National Assembly for Wales) see Chapter 9 'The Involvement of Gypsies and Travellers in Decision Making and Policy Development' p44.

⁵⁹ Same as above.

Chapter Ten

Useful contacts

Advisory Council for the Education of Romany and other Travellers ACERT Moot House The Stow Harlow Essex CM20 3AG	Fenstanton Cambridgeshire PE28 9LQ Tel: 01480 496577 Email: advocacy@ormiston.org
Advisory Service for Squatters Tel: 0845 644 5814 (Mon-Fri 2-6pm) Email: advice@squat.freeserve.co.uk Website: www.squatter.org.uk	Cardiff Gypsy Sites Group 114 Clifton Street Roath Cardiff CF24 1LW Tel: 029 2021 4411
Bromley Gypsy and Traveller Project 13-15 High Street St Mary Cray Orpington Kent BR5 3NL Tel: 01689 839052	The Children's Society 92b High Street Mid-Somer Norton Somerset Tel: 01761 411771
Buskaction Website: www.backspace.org/buskaction	Choice in Education PO Box 20284 London NW1 3WY Tel: 0208 1300 7236 Fax: 0207 1813 5907 Email: info@choiceineducation.org.uk Website: www.choiceineducation.org.uk
Cambridgeshire Travellers' Advocacy Service Working for Traveller's Rights Cambs Travellers Initiative, Travellers Advocacy Service 7e High Street	

Churches Together in Britain and
Ireland (CTBI)
Churches' Commission for Racial
Justice
3rd floor, Bastille Court
2 Paris Garden
London SE1 8ND
Tel: 020 7654 7254
Fax: 020 7654 7222
Email: info@ctbi.org.uk
Website: www.ctbi.org.uk

Commission for Racial Equality
St Dunstons House
201-211 Borough High Street
London SE1 1GZ
Tel: 020 7939 0000
Email: info@cre.gov.uk
Website: www.cre.gov.uk

Creativity, The Literacy Charity
14/3 Wardieburn Place West
Edinburgh EH5 1EF
Tel: 0794 021 5519
Email: gary@nurse.com
Website:
www.webspawner.com/users/theliteracycharity/index.html

Derbyshire Gypsy Liaison Group
DGLG
Ernest Bailey Community Centre
Office 3
New Street

Matlock DE4 3FE
Tel: 01629 583300

East Anglian Gypsy Council
Website: www.eagc.org.uk
Educational Advice for Travellers
PO Box 36
Grantham
Lincolnshire NG31 6EW

Education Otherwise (information for
home educators)
PO Box 7420
London N9 9SG
Tel: 0870 7300074
Email: enquiries@education-otherwise.org
Website: www.education-otherwise.org

European Committee on Romani
Emancipation
Website: www.eu-romani.org

European Roma Rights Centre
Website: www.errc.org

The Exchange House
Website: www.exchangehouse.ie

Family Fund
Website: www.familyfund.org.uk

Friends, Families and Travellers

Community Base

113 Queens Road

Brighton BN1 3XG

Tel: 01273 234777

Fax: 01273 234778

Email: fft@gypsy-traveller.org

Website: www.gypsy-traveller.org

Groundswell (National Homeless Alliance)

Elmfield House

5 Stockwell Mews

London SW9 9GY

Tel: 020 7737 5500

Fax: 020 7733 1305

Email: info@groundswell.org.uk

Website: www.groundswell.org.uk

Gypsy and Traveller Drugs Helpline

Email:

drugshelpline@uk49.fsnet.co.uk

The Gypsy and Traveller Law Reform Coalition

Banderway House

156-162 Kilburn High Road

London NW6 4JD

Email: romanistan@yahoo.com

Website: www.travellerslaw.org.uk

The Gypsy Council for Education, Culture, Welfare and Civil Rights

8 Hall Road

Aveley

Romford

Essex RM15 4HD

Tel/Fax: 01708 868 986

Email: enquiries@thegypsycouncil.org

Website: www.thegypsycouncil.org

www.btinternet.com/~thegypsycouncil

The Gypsy Collection at University of Liverpool

Website:

www.sca.lib.liv.ac.uk/collections/gypsy/intro.htm

Gypsy Expressions

Website:

www.gypsyexpressions.org.uk

The Gypsy Lore Society

Website: www.gypsyloresociety.org

The Harlow Centre

Raymund Road

Oxford OX3 0PG

Tel: 01865 256620

Email: traved@a-s-e-t.demon.co.uk

Website: www.a-s-e-t.demon.co.uk

The Irish Traveller Movement (Ireland)

4/5 Eustace Street

Dublin 2

Ireland

Tel: 00 353 1 679 6577

Website: www.itmtrav.com

The Irish Traveller Movement (UK)
Banderway House
156-162 Kilburn House
London NW6 4JD
Tel: 020 7625 2255
Email: info@irishtraveller.org.uk

Justice
Website: www.justice.org.uk

Labour Campaign for Travellers
Rights
Email: romanistan@yahoo.com

The Land is Ours
16B Cherwell Street
Oxford
OX4 1BG
Email: office@tlio.demon.co.uk
Website: www.tlio.org.uk

Land Registry Office
Tel: 01705 768 820

Leeds Gypsy and Traveller Exchange
7 Shafton Lane
Holbeck
Leeds LS11 9LY
Tel: 0113 234 6556

Leeds Justice for Travellers
9 Mowbray Court
Seacroft
Leeds LS14 6UN

Tel: 0113 264 8658

Legal Aid Head Office
Tel: 020 7813 1000

Liberty
Website: www.liberty-human-rights.org.uk

London Gypsy Traveller Unit
Tel: 020 8533 2002

The Monitoring Group – Rural Racism
Project

TMG Rural Racism project
The Frederick Douglass Centre
37 New Street
The Barbican
Plymouth PL1 2NA
Tel: 01752 664501/664505

Fax: 01752 668389
Email: rrp@monitoring-group.co.uk
Website: www.monitoring-group.co.uk

National Association of Boat Owners
Tel: 01749 677195

National Association of Gypsy and
Travellers Officers
c/o Hampshire County Council
The Castle
Winchester SO23 9DS

National Association of Gypsy Women
CVS Building
Church Row
Darlington DL1 5QD
Tel: South Office: 01268 782792
Tel: Office North: 01325 240033

Tel: 01726 77113
Website:
gharrisonwhite@cornwall.gov.uk

National Association of Health
Workers with Travellers
Balsall Heath Health Centre, Central
Health Clinic
43 Edward Road
Balsall Heath
Birmingham B12 9LB
Tel: 0117 922 7570 / 0121 446 2300
Website:
[www.msfcphva.org/sigs/sigtravellers.h
tml](http://www.msfcphva.org/sigs/sigtravellers.html)

The National Playbus Association
Brunswick Court
Brunswick Place
Bristol BS2 8PE
Tel: 0117 916 6580
Email: playbus@playbus.org.uk
Website:
[www.playbus.mysite.wanadoo-
members.co.uk](http://www.playbus.mysite.wanadoo-members.co.uk)

National Association of Teachers of
Travellers (NATT)
Advisory Service for the Education of
Travellers
Cricket Road Centre
Cricket Road
Oxford OX4 3DW
traved@a-s-e-t.demon.co.uk
www.natt.org.uk/contacts.php

National Romani Gypsy and Traveller
Alliance
Email: nrgta@uk49.fsnet.co.uk

National Romani Rights
10 Dugdell Close
Ferndown
Dorset BH22 8BH
Tel: 01202 893228

National Association of Teachers of
Travellers (NATT)
Traveller Education Service
16 Carlyon Road
St Austell PL25 4AJ

The National Small Woods
Association
3 Perkins Beach Dingle
Stiperstones
Shropshire SY5 0PF
Tel: 01743 792644

National Travellers Action Group
7 Woodside Park
Hatch Road
Sandy
Bedfordshire SG19 1PT
Email: codona@aol.com

New Futures Association (NFA)
c/o 42 Wade Meadow Court
Lings
Northampton NN3 8ND
Tel: 07880 758713
Email: calnfa@hotmail.com or
mail@newfutures.fsnet.co.uk

Patrin Web Journal
Website: www.patrin.com

Pavee Point Travellers' Centre
(Dublin)
47 North Great Charles Street
Dublin 1
Tel: 01 878 0255
Website: www.paveepoint.ie

Planning Aid
Tel: 01963 230045

Public Law project
Tel: 020 7467 9800

Reclaim the Law
Website: www.reclaimthelaw.org

Rom News
Website: www.romnews.com

Roma Books
Website:
www.herts.ac.uk/UHPress/Gypsies.html

Roma Support Group
PO Box 23610
London E7 0XB
Email:
roma@supportgroup.freemove.co.uk

Romani World
Website: www.romaniworld.com

Romano Liloro
Website:
www.groups.yahoo.com/group/Romano_Liloro

The Romany and Traveller Family
History Society
Website:
www.website.lineone.net/~rtfhs

SchNews
c/o on-the-fiddle
PO Box 2600
Brighton
East Sussex BN2 2DX
Tel/Fax: 01273 685913
Email: schnews@brighton.co.uk

Website: www.schnews.co.uk

School House

Website: www.schoolhouse.org.uk

Scottish Gypsy Traveller Association

Tel: 0131 650 6314

Scottish Traveller Education Programme

Website: www.scottishtravellered.net

Scottish Young Gypsy Traveller website

Website: www.comelookatus.org

Society for the Promotion and Advancement of Romany Culture (SPARC)

Website: www.sparcnortheast.org.uk

The Society of Gypsies in Israel

Website:

www.geocities.com/domarisociety

Traveller Advice Team (Community Law Partnership)

Ruskin Chambers

191 Corporation Street

Birmingham B4 6RP

Tel: 0845 120 2980 (Mon – Fri 10am-1pm and 2pm-5pm)

Emergency mobile: 0776 831 6755

List of Traveller Education Services

Website:

www.becta.org.uk/teachers/teachers.cfm?section=1_3_4&id=818

Traveller Law Research Unit of Cardiff University

Cardiff Law School

PO Box 427

Cardiff CF10 3XJ

Tel: 029 2087 4097

Fax: 029 2087 4580

Email: Trlu-L@cf.ac.uk

Website: www.cf.ac.uk/claws/trlu

TravellerSpace

c/o Henly

Canon's Town

Nr Hayle

Kernow TR27 6LZ

Tel: 01736 711378/ 741151

Email: travellerspace@linuxmail.org

Travellers Aid Trust

Small Grants to Travellers

PO Box 16

Llangyndeym

Kidwelly

SA17 5YT

Email: Travellersaidtrust@yahoo.co.uk

Website: www.travellersaidtrust.org

Travellers Consultancy Service

Email: info@travellercs.co.uk

Website: www.travellercs.co.uk

Travellers in Leeds

Website: www.Travellersinleeds.co.uk

The Travellers' School Charity

TSC

PO Box 2

Goodwick

SA64 0ZQ

Tel: 07717 055378

Email: stigstrunk@aol.com

Website:

www.travellersschool.plus.com

Travellers Times

Website:

www.ruralmedia.co.uk/production/travellers_times

UK Association of Gypsy Women

Email:

ukassociationofgypsywomen@yahoo.co.uk

UK Youth

Website: www.ukyouth.org

Union Romani

Website: www.unionromani.org

West Midlands Consortium

Educational Service for Travelling
Children

The Graiseley Centre

Pool Street

Wolverhampton WV2 4NE

Tel: 01902 714646

Fax: 01902 714202

York Traveller Trust

Tel: 01904 630 526

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