



Civil society monitoring report
on implementation
of the national Roma integration strategy
in the United Kingdom

*Identifying blind spots
in Roma inclusion policy*

Prepared by:
National Federation of Gypsy Liaison Groups
Derbyshire Gypsy Liaison Group
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December 2019



EUROPEAN COMMISSION

Directorate-General for Justice and Consumers
Directorate D — Equality and Union Citizenship
Unit D1 Non Discrimination and Roma Coordination

*European Commission
B-1049 Brussels*

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Luxembourg: Publications Office of the European Union, 2020

PDF ISBN 978-92-76-19895-6 doi:10.2838/42471 Catalogue number DS-02-20-440-EN-N

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The report has been prepared by the National Federation of Gypsy Liaison Groups. The lead organisations for the constituent chapters were as follows:

- Improving site delivery through planning policy – Derbyshire Gypsy Liaison Group,
- Non-take-up of social benefits – Friends Families and Travellers,
- Roma and Brexit – Roma Support Group.

The report was prepared as part of the Roma Civil Monitor pilot project, 'Capacity-building for Roma civil society and strengthening its involvement in the monitoring of National Roma Integration Strategies'. The pilot project is carried out for the European Commission, DG Justice and Consumers. It is coordinated by the *Center for Policy Studies* of the Central European University (CEU CPS), in partnership with the European Roma Grassroots Organisations Network (ERGO Network), the European Roma Rights Centre (ERRC), the *Fundación Secretariado Gitano* (FSG) and the Roma Education Fund (REF) and implemented with around 90 NGOs and experts from up to 27 member states.

Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the author and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

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LIST OF ABBREVIATIONS

DLA	Disability Living Allowance
DWP	Department for Work and Pensions
EEA	European Economic Area
EUSS	European Union Settlement Scheme
FFT	Friends Families and Travellers
GRT	Gypsy, Roma and Traveller
GTAA	Gypsy and Traveller Accommodation Assessment
HMRC	Her Majesty's Revenue and Customs
HO	Home Office
IMA	Independent Monitoring Authority
MHCLG	Ministry of Housing, Communities and Local Government
NFGLG	National Federation of Gypsy Liaison Groups
NGO	Non-governmental Organisation
NIESR	National Institute of Economic and Social Research
ODPM	Office of the Deputy Prime Minister
OISC	Office of the Immigration Services Commissioner
PIP	Personal Independence Payment
RCC	Roma Community Care
RSG	Roma Support Group
RTPI	Royal Town Planning Institute
UC	Universal Credit

EXECUTIVE SUMMARY

Unlike the majority of countries in the EU, the UK does not have a National Roma Integration Strategy (NRIS). Recommendation 1 of the [Civil society monitoring report on implementation of the national Roma integration strategies: focussing on structural and horizontal preconditions](#), produced within the Roma Civil Monitor's (RCM) first monitoring cycle, was that "as mainstream approaches have failed to facilitate equal opportunities for Gypsy, Traveller and Roma (GRT) communities, we recommend that the UK government establish a National Roma Integration Strategy (as recommended by the European Commission and exemplified by the Welsh government)".

In June 2019, the UK government finally announced that it was going to develop a "new national strategy to tackle Gypsy, Roma and Traveller inequalities"¹ (a NRIS in all but title). In launching its commitment to develop this strategy, the then Communities Minister Lord Bourne acknowledged that "*members of Gypsy, Roma and Traveller communities continue to face some of the steepest challenges in society. Despite ongoing government work in this area, it's clear that more needs to be done*", giving particular emphasis to inequalities in health, education and housing. The [RCM's second Civil Society Monitoring report for the UK](#) provides damning evidence that this is indeed the case.

Many of the key issues affecting the GRT communities have already been covered in the previous RCM reports.² Key issues given current government policies that were not fully addressed but which have been identified by civil society as of great significance are:

- The critical lack of sites and stopping places: This is not just a matter of lack of accommodation. The lack of safe and secure accommodation has a direct impact on outcomes in terms of health, education and employment opportunities. Unless this issue is addressed then GRT communities will continue to experience poorer outcomes compared to other communities.
- The issue of non-take-up of benefits and the impact of the government's welfare reforms on GRT communities. Many of the changes have had a disproportionate impact on Gypsy, Roma and Traveller communities and have contributed to the non-uptake of benefits among these populations.
- The key issue of Brexit and particularly that of "Settled Status" which has a particular relevance for what are known in the UK as "migrant" Roma (i.e. Roma who have moved to the UK from other EU states).

Improving site delivery through planning policy

The challenge to improve site delivery through planning policy has had a problematic history since the 1960s and the present arrangements are not delivering sites sufficient to meet the needs of Gypsies and Travellers. There is a shortage of approximately 3,000 pitches – this figure is taken from the government's own caravan count and is a baseline figure (many NGO's and agencies consider the caravan counts an undercount and therefore assessment of need needs to be revisited regularly).

There are four fundamental problems: 1) poor assessments of need; 2) lack of provision for those who do not meet the "Planning" definition of Gypsy/Traveller; 3) failure of Local

¹ https://www.gov.uk/government/news/new-national-strategy-to-tackle-gypsy-roma-and-traveller-inequalities?fbclid=IwAR2MESKsHrqlPbbjpkFs-xUGdU2QIDwAN8NoT_08jDkDtaWt0yM2c3rP2as

² The first annual cycle of the Roma Civil Monitor was focused on the horizontal precondition of the Roma inclusion – governance, fight against antigypsyism and anti-discrimination. The second cycle concerned the four key policy fields – education, employment, healthcare and housing. All reports are available at: <https://cps.ceu.edu/roma-civil-monitor-reports>

Plans to make timely and adequate allocations and 4) over-restrictive criteria-based policies.

In order to resolve these problems, in the view of the National Federation of Gypsy Liaison Groups (NFGLG), all Local Plans should have a criteria-based policy which is realistic and will allow for windfall sites to come forward even where allocations to meet the five-year assessed need have been made. This could be a criterion that acknowledges that often Gypsy and Traveller families find land on the outskirts of a settlement and, therefore, will not be as close to services as they could be. It is important that a policy is not too prescriptive. For example, a policy might state that "a site should not be more than two miles away from services" whereas a family may just find a perfect site which is two and a half or three miles away. Another advantageous and unique idea is that NGOs and local authorities work together to address need and it may be that a memorandum of understanding or a Statement of Common Ground (as shown in the Annex to this report) can be made between the two parties.

It is urgent that the shortfall of sites is addressed in a constructive and meaningful way. The Home Office has recently launched a consultation on measures to criminalise trespassing when setting up an unauthorised encampment in England and Wales. This could easily be addressed within the planning system by increasing the number of places to stop and by increasing the number of family sites. It is notable that in its response to the previous consultation (of April 2018) the National Police Chiefs Council, and the Association of Police and Crime Commissioners, said: "*The lack of sufficient and appropriate accommodation for Gypsies and Travellers remains the main cause of incidents of unauthorised encampment and unauthorised development by these groups.*" Therefore, a concrete plan for sites (both private and public) should be put in place.

Non-take-up of social benefits

Welfare reforms introduced by the UK government have involved a radical change in the organisation and delivery of the benefits system. There is substantial evidence that many of the changes have exacerbated inequalities and have had a disproportionate and negative impact on those with the greatest need. There are a number of specific issues, which highlight that many of the changes have had a disproportionate impact on Gypsy, Roma and Traveller communities and have contributed to the non-uptake of benefits among these populations. These include:

- Universal Credit (UC) was the first major UK service to become "digital by default". Research on digital exclusion among GRT communities in the UK to demonstrate the depth and breadth of this issue shows that many had never used the internet and only roughly a third had a household internet connection. This is compounded by comparatively low level of literacy.
- In 2015, the government announced the two-child limit. Among GRT communities, there is a strong cultural emphasis on the centrality of family, and it is common to have large immediate and extended families. The two-child limit worsens the socioeconomic disadvantage that the GRT communities face, and plunges many GRT families further into poverty.
- Gypsies and Travellers are the ethnic groups most likely to be providing unpaid care in England and Wales. Despite the substantially higher level of need among these communities, there is a low level of uptake of benefits – many members of GRT communities do not consider themselves "carers" and instead view this role as an intrinsic part of their familial responsibilities. Awareness of the rights and entitlements carers have may therefore be low. Additionally, many people may have tried to access support services around their caring roles, but report having had negative experiences, which have left them apprehensive about trying again.

- There are a number of aspects of the processes involved in managing benefits that do not allow for the needs of GRT communities. Those claimants who live nomadically may face significant difficulty in managing correspondence and face-to-face appointments. Punitive responses to missed appointments and correspondence mean that many GRT claimants face financial repercussions for some of the practical challenges they face when accessing benefits.
- There is evidence that welfare reforms have left GRT families facing increasing accommodation insecurity. Cuts to housing benefit have meant that some people have chosen to leave bricks and mortar accommodation and return to the road because of the effects this has had on them.

Roma and Brexit

The two major issues facing many Roma families and communities in the UK are:

1. The rights of those who are legally resident in the UK on the day that UK leaves the EU, but who have not completed an application for Settled Status by the day when transition ends
2. The financial support to voluntary organisations and agencies who are well placed to support Roma applicants through the Settled Status application process

The UK government has decided that following the proposed withdrawal from the EU, all EU citizens living in the UK at the time of departure will have to apply for the right to remain in the UK. This process is known as applying for Settled Status. Therefore, the status of "migrant" Roma in the UK will change, from having the right to reside and work, to having to register and be awarded the right to reside. A number of key issues are identifiable:

- The process for securing Settled Status is digital only. Digital confidence, using apps on a phone, scanning and uploading documents and English literacy are preventing many Roma applying on their own. when combined with limited literacy in the language of the country of origin. All applicants require an email address and a phone number to log into the application process. Complications about language competences can affect the identity questions. The wrong boxes can be ticked accidentally.
- There is widespread lack of knowledge about the need to apply for Settled Status amongst Roma. Many also found the Brexit process very confusing. Delaying the process several times made it more uncertain. Therefore, many hoping that Brexit would not happen delayed applying. In the case of Roma, the reason for holding back from applying was also connected with lacking confidence to go through the process, lack of support available, concerns around the evidence requirements and fear of being identified and targeted by immigration authorities.
- Many Roma who have very informal work are reliant on ID cards, some of which are not possible to scan. Many people are unwilling to send their passport or ID card to the Home Office in the post. Rough sleepers fear that being without an ID card increases the likelihood of police action and immigration removal. There is a greater disinterest in engaging about the scheme among rough sleepers than even six months ago.

Many people will not have applied for Settled Status by 2021 through no fault of their own. Under immigration laws passed in 2013, the government introduced an explicitly 'hostile environment' which required people to confirm their immigration status and right to reside/remain in a variety of public and everyday settings. As a result, Roma migrants in the UK now find themselves in a vice – squeezed out of their countries of origin and squeezed out of their new home in the UK.

INTRODUCTION

To date, the UK has not had a specific Roma inclusion policy, instead choosing to use existing, mainstream policy and legal mechanisms to deliver inclusion (although the Welsh government does have the only clear Roma Integration Strategy and framework for action in the UK). In the Introduction to the [RCM's second Civil Society Monitoring report for the UK](#) we noted that:

*"In 2011, the EC requested the member states to develop their National Roma Integration Strategies (NRIS) but gave them flexibility to prepare it either as a special strategy or as policy measures within wider social inclusion policies. The UK government opted for the latter option and suggested that existing mainstream laws and policies already offered protection to Gypsy, Traveller and Roma populations and that these policies would in themselves promote integration. However, this is often not their experience. Racial discrimination and social exclusion are common experiences in the lives of Gypsy, Traveller and Roma people and many families find themselves living on the margins of society."*³

On 6 June 2019 (some four months after we submitted the final draft of the second RCM report), the UK government announced that it was going to develop a "new national strategy to tackle Gypsy, Roma and Traveller inequalities" (i.e. a NRIS in all but title) with the then Communities Minister Lord Bourne stating that:

*"We recognise that members of Gypsy, Roma and Traveller communities continue to face some of the steepest challenges in society. Despite ongoing government work in this area, it's clear that more needs to be done. Health, education and housing inequalities are considerable, and we know that there are disproportionate levels of violence experienced by some women and girls within Gypsy, Roma and Traveller communities. To bridge these divides and tackle these vital issues, we are launching an ambitious programme of work, to be undertaken across government, which will aim to tackle the serious disparities faced by Gypsy, Roma and Traveller communities."*⁴

Although no firm date has been given for the production of this strategy (and there have been significant "hold ups" due to Brexit and the calling of a General Election in December 2019) we are encouraged that steps have been taken to involve civil society in formulating the strategy. It is important to point out, however, that, at the same time that it is supposed to be developing the strategy, the UK government announced (on 5 November 2019) a "Strengthening police powers to tackle unauthorized encampments consultation"⁵ which will have a major negative impact, particularly on Gypsies and Travellers who are living a traditional nomadic way of life (whether they are permanently mobile or only travel for parts of the year).

Many of the key issues affecting the GRT communities have already been covered in the previous Civil Society Monitoring reports. There were a number of key themes we could have chosen for inclusion in this report, but time and resources restricted us to three,

³ NFGLG, FFT, RCC and RSG (November 2018), "Civil society monitoring report on implementation of the national Roma integration strategy in the United Kingdom – Assessing the progress in four key policy areas of the strategy". Available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-2-uk-2018-eprint.pdf>

⁴ https://www.gov.uk/government/news/new-national-strategy-to-tackle-gypsy-roma-and-traveller-inequalities?fbclid=IwAR2MESKsHrqlPbbjpkFs-xUGdU2QIDwAN8NoT_O8jDkDtaWt0yM2c3rP2as

⁵ <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments?fbclid=IwAR0yDAjkBH-VcTS1t-wUtRtDjZIwdFICyPnCX5qBtAhui6WZLynMokilJu8>

which were not fully addressed but have been identified by Civil Society as of great significance.

Firstly, and of direct relevance to the government consultation referred to above, is the critical lack of sites and stopping places. This is not just a matter of lack of accommodation. As we point out below, the lack of safe and secure accommodation has a direct impact on outcomes in terms of health, education and employment opportunities. Unless this issue is addressed then GRT communities will continue to experience poorer outcomes compared to other communities.

Secondly, there is the issue of non-take-up of benefits and the impact of the government's welfare reforms on GRT communities. Many of these changes have had a disproportionate impact on GRT communities and have contributed to the non-take-up of benefits among these populations.

Thirdly, we focus on the key issue of Brexit and particularly that of "Settled Status", which has a particular relevance for what are known in the UK as "migrant" Roma (i.e. Roma who have moved to the UK from other EU states).

Given the severe time limitations for producing this report, rather than collect new primary data we have had to rely on the use of secondary data such as official government sources, academic research, local government reports, research carried out by NGOs and specific case studies from the individual NGOs involved in preparing this report.

IMPROVING SITE DELIVERY THROUGH PLANNING POLICY

Definition of the problem

The challenge to improve site delivery through planning policy has had a problematic history and the present arrangements are not delivering sites sufficient to meet the needs of Gypsies and Travellers. There is a shortage of approximately 3,000 pitches⁶ and the lack of safe and secure accommodation has a direct impact on outcomes in terms of health, education and employment opportunities. Unless this issue is addressed then the communities will continue to experience poorer outcomes compared to other communities.

Background and cause of the problem

NFGLG's Planning Officer, alongside other NGOs, identified that there are four fundamental problems:

1. Poor assessments of need.
2. Lack of provision for those Gypsies who do not meet revised Planning' definition, which was introduced by the government in 2015 and excluded all those who no longer pursued a nomadic lifestyle.⁷
3. Failure of Local Plans to make timely and adequate allocations.
4. Over-restrictive criteria-based policies that were recently discussed at a roundtable challenging and improving planning policy held in October 2019.⁸

Poor assessments

Local authorities are required regularly to assess the level of need for Gypsy and Traveller pitches within their area of jurisdiction (Gypsy and Traveller Accommodation Assessments, GTAAs) and to use the findings in making provision for pitches when producing their Local Plans and when determining planning applications. Many of these GTAAs which have been produced since 2015 are showing much reduced levels of need, usually founded on the adoption of an artificially low percentage of those who meet the revised Planning definition of Travellers.⁹

One organisation which is often commissioned to carry out these assessments on behalf of councils has consistently argued that only 10 per cent of those who claim to be Gypsies and Travellers actually meet the 2015 definition despite clear evidence that this is unrealistically low. Challenged at the examination of the Blaby Local Plan (in August 2018), this organisation conceded that the 10 per cent figure was too low and suggested it was slowly rising and now standing at around 25 per cent.

But all those GTAAs that have already been prepared on the basis of the 10 per cent figure have been, and continue to be, the basis on which Local Plans are prepared. Therefore, there has been and continues to be under-allocation of land.

⁶ Ministry of Housing Communities and Local Government Caravan Count January 2019, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/806650/Traveller_Caravan_Count_Release.pdf

⁷ EHCR, (2019) *Gypsy and Traveller Sites: the revised definition's impact on assessing accommodation needs*, <https://www.equalityhumanrights.com/en/publication-download/gypsy-and-traveller-sites-revised-planning-definition%E2%80%99s-impact-assessing>

⁸ FFT shortly to be published report.

⁹ EHCR, (2019) *Gypsy and Traveller Sites: the revised definition's impact on assessing accommodation needs*, <https://www.equalityhumanrights.com/en/publication-download/gypsy-and-traveller-sites-revised-planning-definition%E2%80%99s-impact-assessing>

Provision for those falling outside the definition

From the issue raised above it will be seen that, in many cases, on the basis of previously prepared GTAAs, 90 per cent of Gypsies and Travellers are excluded from the assessment of need. Generally, Local Plans make no provision for these Gypsies/Travellers, instead making the assumption that the needs of the 90 per cent who are excluded will be catered for by the wider provision of allocated housing sites. Very few Local Plans (Hull is the only exception of which we are aware) have made any specific caravan site provision to meet the needs of this group – that is families who have a tradition of living in caravans but are excluded by not travelling for work (families have to qualify for Gypsy status and the criteria of that is travelling for work purposes).

Whilst this can be challenged when a Local Plan is subjected to scrutiny at a public examination, where the soundness of the provisions is put before the Planning Inspectorate (an independent body), it is rarely the case that this issue is afforded any consideration.

Failure to make reasonable and realistic allocations

Local Plans rarely make realistic and deliverable allocations to meet the five-year supply as required by national planning policy.¹⁰ Some make allocations which are totally unrealistic (e.g. that each strategic housing allocation must provide a proportion of Traveller pitches, which is then argued away by developers during the consideration of planning applications as preventing viable development). Sometimes expansion of existing sites has been favoured, even when the site is already over-large.¹¹ See, for example, Cottingly Springs in Leeds: already quite big at 41 pitches, the local authority wanted to increase the size of the site instead of looking for a network of smaller sites, claiming that no land could be found. The expansion was fought in the Courts and did not go ahead.¹² However, NGO *LeedsGATE* has promoted negotiated stopping to assist the shortfall.

Frequently, councils say that their “call for sites” has failed to identify any suitable sites, so it is not the council’s fault that it has been unable to allocate sufficient sites and, instead, a separate Traveller Site Development Plan Document (DPD) will be undertaken at a later date to address this issue. Local Plan Inspectors, even when critical of this solution, rarely (almost never) refuse to find a Local Plan unsound on this basis. But this pushes the issue “into the long grass” meaning provision is delayed and often never actually made because there is no serious scrutiny of progress.

Policy answer to the problem

Criteria based policies

Government guidance requires that Local Plans should provide criteria-based policies to deal with applications for Traveller pitches in the absence of the identification of a five-year supply of land.¹³ This applies even to those councils who have no assessed need for Gypsy sites. It follows that a requirement that there has to be an unmet need as a pre-requisite for approval cannot be compliant with national guidance. Yet many Local Plans either have such a restriction or even have no criteria-based policy at all.

¹⁰ MHCLG (2015) *Planning policy for travellers sites*, <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

¹¹ *Council to consider site provision for Gypsies and Travellers* (2016), <https://news.leeds.gov.uk/council-to-consider-site-provision-for-gypsies-and-travellers>

¹² Carlisle E. (2016) *Travelling over tricky ground*, <https://southleedslife.com/travelling-tricky-ground/>

¹³ *Ibid.*

Many of the criteria-based policies have wholly unrealistic requirements. Often, there is a requirement that sites must be within or on the edge of a settlement, but such locations are invariably too high value to be affordable and will generate huge local opposition, which makes the policy unrealistic.

In 1990s, when many NGOs came together to lobby against the Criminal Justice Bill 1994 because this Act was responsible for draconian remedies for civil trespass, the 1/94 planning guidance^{14,15} was put in place. This guidance stipulated that criteria based policies should be put in place, however it soon became apparent that many local authorities compiled lists of criteria that excluded Gypsy and Traveller families all together and after many years of lobbying (again by NGOs) the ODPM, 1/2006 circular on Planning for Gypsy and Traveller Caravan Sites¹⁶ replaced it (the 2006 circular was altered in relation to the definition of Travellers in 2015 as previously reported).

Whilst the inclusion of criteria-based policies in Local Plans is essential in providing a policy basis against which planning applications can be determined, such policies must be realistic and not, by default, keep all Gypsies and Travellers from securing planning permission.

Criteria-based policies provide a positive way of addressing any shortfall of sites through “windfall” provision (sites that have not been allocated in a Local Plan but come forward unexpectedly through the process of submission of planning applications).

In the view of the NFGLG, all Local Plans should have a criteria-based policy which is realistic and will allow for windfall sites to come forward even where allocations to meet the five-year assessed need have been made. A small under-allocation (or no allocation at all, where the assessed need is small), together with a realistic criteria-based policy to allow for some “windfall” provision, is something NFGLG favour as it provides some flexibility.

Statement of Common Ground

Another advantageous and unique idea is that NGOs that work on Gypsy and Traveller planning issues and local authorities work together to address need and it may be that a memorandum of understanding or a “Statement of Common Ground” can be made between the two parties. The statement is intended to assist the inspectors during the examination of the Plan. Resources would be needed for NGOs that have a background of working with the planning system (and ideally the support of a qualified chartered planner) to work for Gypsy and Traveller communities to undertake this, as there are approximately 350 local planning authorities.

The purpose of such statements would also be to set out the agreed arrangements for on-going co-operation and liaison on Local Plan provision for Gypsy and Traveller sites within a local authority and identify agreed key matters and issues that should be the focus of cooperation and liaison. Undertaking such an agreement would save time and resources.

A Statement of Common Ground agreed between Derbyshire Gypsy Liaison Group and Chesterfield Borough Council is attached as an annex to this report. As far as we are aware this is the first of its kind. This document sets out where there is agreement on policy and where there is more work is needed. It is difficult to develop good practice from central government down, as all local authorities are locked into their “localism” agendas.

¹⁴ *Ibid.*

¹⁵ <http://www.gypsy-traveller.org/wp-content/uploads/2010/08/DoE0194.pdf>

¹⁶ http://www.knowsley.gov.uk/pdf/PG11_Circular0106-GypsyandTravellers.pdf

It is urgent that the shortfall of sites is addressed in a constructive and meaningful way. The Home Office has recently launched a consultation,¹⁷ in relation to increased police powers and whether unauthorised camping should be a criminal offence in England. Given the shortage of both permanent sites and temporary stopping places, criminalising unauthorised camping would, in effect, criminalise the traditional, nomadic Gypsy and Traveller way of life.

This consultation follows an earlier consultation (HM Government, April 2018).¹⁸ In its response to the previous consultation the National Police Chiefs Council, and the Association of Police and Crime Commissioners, said: "*The lack of sufficient and appropriate accommodation for Gypsies and Travellers remains the main cause of incidents of unauthorised encampment and unauthorised development by these groups.*"¹⁹

Therefore, a realistic plan to provide sites (both private and public) should be put in place. Criminalisation of trespass would likely breach the Human Rights Act 1998 and the Equality Act 2010 and precious resources will be used in the subsequent litigation – resources that could be better spent on meeting unmet need.

¹⁷ Home Office (5.11.2019) *Strengthening Powers to tackle unauthorised encampments*, <https://www.gov.uk/government/consultations/strengthening-police-powers-to-tackle-unauthorised-encampments>

¹⁸ HM Government (April 2018) *Consultation: Powers for dealing with unauthorised development and encampments*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/697354/Consultation_-_unauthorised_encampments.pdf.

For the government's response to the consultation see: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/776942/Unauthorised_development_and_encampments_response.pdf

¹⁹ The Guardian (14.11.2019), <https://www.theguardian.com/world/2019/nov/14/police-oppose-traveller-and-gypsy-camp-crackdown-foi-shows>

NON-TAKE-UP OF SOCIAL BENEFITS

Definition of the problem

From 2011, the welfare reforms introduced by the UK government have involved a radical change in the organisation and delivery of the benefits system. These changes have been rolled out in a staged, “test and learn” approach in order to monitor their impact, and the government has emphasised that they are intended to make the benefits system “fairer for all”.²⁰ Despite this, there is substantial evidence that many of the changes have exacerbated inequalities and have had a disproportionate and negative impact on those with the greatest need. Although the reforms have been rolled out universally, in practice, they have a disproportionate impact on Gypsy, Roma and Traveller (GRT) communities. In 2019, the Equality and Human Rights Commission demonstrated that the lowest 20 per cent of earners will have lost, on average, ten per cent of their overall income by 2021-2022 as a result of these changes, whilst simultaneously, the highest earners in the UK have seen improvements to their income.²¹

GRT communities continue to be excluded from equalities impact assessments for welfare reforms, and the detrimental effects on these communities are often overlooked in policy planning and rollout. Whilst there is no evidence outlining how many GRT people have been negatively impacted by the reforms, there are a number of specific issues, which highlight that many of the changes have had a disproportionate impact on GRT communities and have contributed to the non-uptake of benefits among these populations.

Background and cause of the problem

Universal Credit: digital by default

As part of the shift towards “full service” for Universal Credit (UC) across the country, UC was the first major UK service to become “digital by default”. According to a Department for Work and Pensions survey conducted in 2018, 95 per cent of all claims for Universal Credit have been made online, and it is emphasised that applications via alternative means are intended to be kept to a minimum. Despite this, the Department’s own figures demonstrate that only 54 per cent of all UC claimants have been able to apply online without assistance, and there is no specific evidence highlighting the number of people who have failed to apply for Universal Credit due to digital exclusion.²²

In 2018, Friends, Families and Travellers (FFT) conducted a study on digital exclusion among Gypsy and Traveller communities in the United Kingdom to demonstrate the depth and breadth of this issue. Fifty people from Gypsy and Traveller communities across the UK were interviewed, and it was found that as many as one in five participants had never used the internet, compared to one in ten members of the general population; more than half of participants said that they did not feel confident using digital technology by themselves; and only 38 per cent of Gypsies and Travellers (33 per cent if housed) had a household internet connection, compared to 86 per cent of the general population.²³

²⁰ FFT (2018) *Fairer for all? The negative and disproportionate impact of Universal Credit on Gypsy and Traveller communities*, <https://www.gypsy-traveller.org/wp-content/uploads/2018/05/The-negative-and-disproportionate-impact-of-Universal-Credit-on-Gypsy-and-Traveller-communities-May-2018.pdf>

²¹ EHRC (2018) *The Cumulative Impact of Tax and Welfare Reforms*

²² UN (2019) *Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on extreme poverty and human rights*, <https://undocs.org/A/HRC/41/39/Add.1>

²³ FFT (2018) *Digital Exclusion in Gypsy and Traveller communities in the United Kingdom*, <https://www.gypsy-traveller.org/wp-content/uploads/2018/09/Digital-Inclusion-in-Gypsy-and-Traveller-communities-FINAL-1.pdf>

At FFT, 45 per cent of service users have low or no literacy, and of those participants surveyed by FFT regarding digital exclusion, some felt that they would never be able to digitally participate because of low literacy. Almost one fifth of respondents said that they would like to use the internet more but would need support in order to do so.²⁴ Despite this, for claimants of Universal Credit, Jobcentres offer minimal digital assistance and official DWP policy aims to minimise the provision of face-to-face support.²⁵ Alternative channels for claiming, such as the UC helpline, have been reported to be inadequate as an alternative, with long waiting times and poorly trained staff.²⁶

Universal Credit Helpline

Friends, Families and Travellers operate an advocacy and support helpline for Gypsy and Traveller communities across the UK. One of our case worker team was advocating on behalf of a client from the Roma Gypsy community who could not read or write and had no access to internet. The caseworker sought advice from the Universal Credit helpline about alternatives for the client and were advised that under no circumstances could claims be set up and managed via any other route than the internet.

It is evident from these issues that serious consideration has not been given to the impact of an online benefits system on GRT. The Equality Impact Assessment carried out in 2011 by the UK government regarding UC gave no specific consideration to Gypsies and Travellers despite the fact that they are an ethnic group protected under the Equality Act 2010.²⁷ There was however, a section for ethnic groups in general in which the document concluded that there is no real evidence to suggest that there are significant differences in internet usage between ethnic groups. The figures of internet usage among Gypsy and Traveller communities dispute this claim and emphasise that “digital by default” welfare services such as UC are exclusionary and are likely to contribute substantially to non-uptake of welfare among GRT communities.

Tax Credits and Universal Credit: changes to Child Element and Family Element

In 2015, the government announced the two-child limit; a policy aimed at reducing public spending on working-age families proved to have a disproportionate impact on Gypsy, Roma and Traveller communities. As of 6 April 2017, low-income families having a third child lost entitlement to additional financial support through child tax credit and universal credit, equivalent to 2,780 GBP (3,208 EUR) per child per year.²⁸ Within the equality impact statement for this policy, it is emphasised that it is intended to promote behaviour change and that “encouraging parents to reflect carefully on their readiness to support an additional child could have a positive effect on overall family stability”.²⁹ Yet the extent to which behaviour change will be directly influenced by government policy is questionable, and there is substantial evidence that this policy will have a disproportionate and negative impact on disadvantaged families.

²⁴ *Ibid.*

²⁵ UN (2019) *Visit to the United Kingdom of Great Britain and Northern Ireland: Report of the Special Rapporteur on extreme poverty and human rights*, <https://undocs.org/A/HRC/41/39/Add.1>

²⁶ *Ibid.*

²⁷ DWP (2011) *Welfare Reform Bill Universal Credit*, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/220152/ei-a-universal-credit-wr2011.pdf

²⁸ CPAG (2019) *All Kids Count: The impact of the two-child limit after two years*, <https://cpag.org.uk/sites/default/files/files/All%20Kids%20Count%20report%20FINAL.pdf>

²⁹ HMT/DWP (2015) *Welfare Reform and Work Bill: Impact Assessment of Tax Credits and Universal Credit, changes to Child Element and Family Element*, <https://www.parliament.uk/documents/impact-assessments/IA15-006E.pdf>

A study conducted in June 2019 found that approximately 160,000 families have already been affected by the two-child limit, and it is estimated that 300,000 children will be pushed into poverty, and one million children already in poverty will be pushed further into poverty by 2023/2024.³⁰ By this time it is estimated that more than half of all children in families with three or more children will live in poverty.³¹

Within the equality impact assessment, it is noted that some ethnic minorities may be more likely to be impacted as they often have bigger families.³² Among GRT communities, there is a strong cultural emphasis on the centrality of family and it is common to have large immediate and extended families. Evidence from Gypsy and Traveller Accommodation Assessments suggests that ethnic GRT women have an average of between 3.5 and 5.9 children, which compares to a national average of approximately 1.9 children per woman.³³ The level of poverty experienced by GRT groups of children are often missed by whole-population statistical analysis, but evidence demonstrates that they experience very high levels of deprivation.³⁴ Gypsy and Traveller pupils in the UK have the highest rate of eligibility for free school meals, which is a key indicator of child poverty.³⁵ The two child limit presents an evident risk of further worsening the socioeconomic disadvantage these communities face, and of plunging many GRT families further into poverty. The impact assessment similarly acknowledges that the policy is likely to have a greater impact on lone parents and that “around 90 per cent of lone parents are women, and a higher proportion of this group are in receipt of CTC. Therefore they are more likely to be affected, in the absence of behavioural change.”³⁶ Within the UK, over one in five GRT households have been found to be made up of a single parent with dependent children, and these families are therefore at additional risk of negative impact from the policy.³⁷

In questioning the appropriateness of the limit, it is also important to consider that those populations who have larger families for religious reasons will be unfairly penalised by the limit and that this amounts to indirect discrimination. Among some Roman Catholics, there is a longstanding tradition of prohibition of contraception and abortion and having higher numbers of children is therefore a commonality among people with these religious beliefs. Many Irish Travellers are practicing Roman Catholics, and therefore it appears that many Irish Traveller families are likely to be among those families most detrimentally affected by the policy.

Carer’s and Disability Benefits

Gypsies and Travellers are the ethnic groups most likely to be providing unpaid care in England and Wales and the ethnic group most likely to provide more than 50 hours of

³⁰ CPAG (2019) *All Kids Count: The impact of the two-child limit after two years*, <https://cpag.org.uk/sites/default/files/files/All%20Kids%20Count%20report%20FINAL.pdf>

³¹ *Ibid.* pg. 2.

³² HMT/DWP (2015) *Welfare Reform and Work Bill: Impact Assessment of Tax Credits and Universal Credit, changes to Child Element and Family Element*, <https://www.parliament.uk/documents/impact-assessments/IA15-006E.pdf>

³³ Irish Traveller Movement in Britain and Leeds GATE (2013) *Impact of universal credit and welfare reforms on the Gypsy and Traveller communities*,: <https://www.gypsy-traveller.org/wp-content/uploads/2017/03/universal-credit.pdf>

³⁴ LSE (2018) *Experience of multiple disadvantage among Roma, Gypsy and Traveller children in England and Wales*, <http://sticerd.lse.ac.uk/dps/case/cp/casepaper208.pdf>

³⁵ *Ibid.*

³⁶ HMT/DWP (2015) *Welfare Reform and Work Bill: Impact Assessment of Tax Credits and Universal Credit, changes to Child Element and Family Element*, <https://www.parliament.uk/documents/impact-assessments/IA15-006E.pdf>

³⁷ OFNS (2011) *2011 Census*, <https://www.ons.gov.uk/census/2011census>

unpaid care per week, according to the 2011 Census analysis.³⁸ As a whole, Gypsies and Travellers are the ethnic groups most likely to experience poor health, but within these communities, those who provide 50 hours or more of unpaid care per week are almost twice as likely to be in poor health compared with those in the same ethnic group providing no unpaid care.³⁹ Of those who said they were carers from the Gypsy and Traveller communities, only 46 per cent said that they were living in good health.⁴⁰ In general, Gypsies and Travellers are significantly more likely to have a long-term illness or disability, which limits their ability to undertake daily activities or work.⁴¹

Despite the substantially higher level of need among these communities, there is a low level of uptake of benefits in these areas; many members of Gypsy, Roma and Traveller communities do not consider themselves “carers” and instead view this role as an intrinsic part of their familial responsibilities.⁴² Awareness of the rights and entitlements carers have may therefore be low. Additionally, many people may have tried to access support services around their caring roles, but report having had negative experiences, which have left them apprehensive about trying again.⁴³

Research also shows that there is a sharp decline in the health of Gypsies and Travellers when individuals are over 50, and this is of particular concern following the move from Disability Living Allowance to Personal Independence Payment.⁴⁴ Nearly half of all claimants in Northern Ireland who have transferred from Disability Living Allowance (DLA) to personal independence payment (PIP) have had their benefits cut or stopped.⁴⁵ This may have had a disproportionate impact on the large number of people from GRT communities who suffer from long-term health conditions and disability, and particularly those in their 50s who are not yet eligible for pension credit, and are therefore not exempt from the benefit cap and UC.⁴⁶

In addition to this, there are a number of aspects of the processes involved in managing benefits that do not allow for the needs of Gypsy, Roma and Traveller communities. Those

³⁸ OFNS (2014) *2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish travellers in England and Wales?*, <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censusstellusaboutthecharacteristicsofgypsyoririshtravellersinenglandandwales/2014-01-21>

³⁹ OFNS (2013) *Trends in general health and unpaid care provision between ethnic groups, 2011*, <http://webarchive.nationalarchives.gov.uk/20160105204901/http://www.ons.gov.uk/ons/rel/census/2011-census-analysis/ethnic-variations-in-general-health-and-unpaid-care-provision/sty-trends-in-health.html>

⁴⁰ OFNS (2014) *2011 Census analysis: What does the 2011 Census tell us about the characteristics of Gypsy or Irish travellers in England and Wales?*, <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/articles/whatdoesthe2011censusstellusaboutthecharacteristicsofgypsyoririshtravellersinenglandandwales/2014-01-21>

⁴¹ Irish Traveller Movement in Britain and Leeds GATE (2013) *Impact of universal credit and welfare reforms on the Gypsy and Traveller communities*, <https://www.gypsy-traveller.org/wp-content/uploads/2017/03/universal-credit.pdf>

⁴² FFT (2013) *We look after our own: Dementia in Gypsy and Traveller communities*, <https://www.gypsy-traveller.org/wp-content/uploads/2018/07/Dementia-in-Gypsy-and-Traveller-communities-1.pdf>

⁴³ MECOPP (2012) *Hidden Carers Unheard Voices. Informal Caring within the Gypsy/Traveller Community in Scotland*, <https://www.mecopp.org.uk/mecopp-publications/2019/1/9/hidden-carers-unheard-voices?rq=hidden%20carers>

⁴⁴ Irish Traveller Movement in Britain and Leeds GATE (2013) *Impact of universal credit and welfare reforms on the Gypsy and Traveller communities*, <https://www.gypsy-traveller.org/wp-content/uploads/2017/03/universal-credit.pdf>

⁴⁵ Department for Communities (2018) *Personal Independence Payment Statistics*, <https://www.communities-ni.gov.uk/articles/personal-independence-payment-statistics>

⁴⁶ Irish Traveller Movement in Britain and Leeds GATE (2013) *Impact of universal credit and welfare reforms on the Gypsy and Traveller communities*, <https://www.gypsy-traveller.org/wp-content/uploads/2017/03/universal-credit.pdf>

claimants who live nomadically may face significant difficulty in managing correspondence and face-to-face appointments, and allowances for this are rarely made. Punitive responses to missed appointments and correspondence mean that many Gypsy, Roma and Traveller claimants face financial repercussions for some of the practical challenges they face when accessing benefits.

Field experience: No fixed address

At Friends, Families and Travellers, many clients have no fixed address and therefore their post is sent to the charity office. One client was in receipt of PIP and required face-to-face appointments to manage these benefits. On one occasion, he missed an appointment, because the invitation to the appointment arrived on the day of appointment. A second time, no letter was received. As a result of this, the client received a letter advising him that all of his benefits would be stopped. There was a lack of consideration for the fact that the client led a nomadic way of life, which would mean that planning was required for appointments, or that there may be delays in receiving post.

Housing benefits

Many members of Gypsy, Roma and Traveller communities face accommodation insecurity, and approximately 16-20 per cent of people living in caravans in England are classified as homeless as they have no legal location on which to park or stop.⁴⁷ There is evidence that welfare reforms have left GRT families facing increasing accommodation insecurity. Cuts to Housing Benefit have meant that some people have chosen to leave bricks and mortar accommodation and return to the road because of the effects this has had on them.⁴⁸ In a report by the Traveller Movement and Leeds Gate, it was also found that many people working with Gypsy and Traveller communities are sceptical about the effectiveness of Discretionary Housing Payments (DHPs), stating that applicants are required to "complete financial statements and show evidence they are trying to downsize their property or move in order to be eligible for extra help" and there were similar concerns expressed "with the level of support provided by DHPs, noting the limited funding available and barriers to accessing this".⁴⁹

When moving into bricks and mortar accommodation, Gypsy and Traveller families may face problems with their benefits when making an initial claim for Housing Benefit. Changes in circumstances such as these can interrupt existing income channels, causing natural migration to UC and offsetting the right to transitional protection.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

Field experience: new Housing Benefit claim triggering “natural migration” to Universal Credit

Mr X had lived on the road for ten years but wanted to move into bricks and mortar accommodation. He reached the top of the waiting list for a flat in Brighton, which he accepted. Mr X was in receipt of employment and support allowance (ESA), and claimed Housing Benefit for the new property, but due to the change in his circumstances this triggered a “natural migration” to the basic rate of Universal Credit during the assessment phase. As part of this process, he was not entitled to transitional protection and therefore faced a substantial drop in income. Although his benefits were later reinstated, during this time Mr X was pushed into poverty and was forced to depend on foodbanks.

Policy answer to the problem

Despite the evidence that UK welfare reforms have worsened inequalities and have had a disproportionate negative impact on GRT communities, there have been no efforts by central or local government to address these issues. GRT communities continue to be excluded from equalities impact statements for these reforms, and their impact remains unmonitored. The UK government has previously failed to implement a specific strategy to promote Roma integration, instead choosing to use mainstream legislation, which has meant that responsibility for integration has been diffuse.⁵⁰

Although the Ministry of Housing, Communities and Local Government announced a new national strategy to tackle Gypsy, Roma and Traveller inequalities in June 2019, the impact of welfare reforms has largely been absent from discussions regarding the inequalities that GRT communities face and the discriminatory effects such social policies have in practice for GRT communities. Until the Department for Work and Pensions reverses the benefit cap and begins to monitor the impact of new social benefits policies on GRT communities, evidence indicates that the welfare reforms will continue to drive inequalities and discrimination of GRT communities across the UK.

⁵⁰ Laine & Smith (2019) *Mid-term review- UK Roma national integration strategy: Roma at the intersection of ethnic-inclusive, post-racial and hyper-ethnic policies*, <https://www.tandfonline.com/doi/abs/10.1080/14782804.2019.1626226?journalCode=cjea20>

ROMA AND BREXIT

Definition of the problem

The two major issues facing many Roma families and communities in the UK are:

1. The rights of those who are legally resident in the UK on the day that UK leaves the EU, but who have not completed an application for Settled Status by the day when transition ends.⁵¹
2. The financial support to voluntary organisations and agencies who are well placed to support Roma applicants through the Settled Status application process.

The UK government has decided that following the proposed withdrawal from the EU, all EU citizens living in the UK at the time of departure will have to apply for the right to remain in the UK. This process is known as applying for "Settled Status".⁵² Therefore, the status of Roma in the UK will change, from having the right to reside and work, to having to register and be awarded the right to reside. This requirement to apply for Settled Status does not apply to people with Irish citizenship,⁵³ which is protected under the common travel agreement between Ireland and the UK, and so does not apply to all GRT people. However, EU citizens of Roma heritage – widely described as migrant Roma in the UK context, as opposed to indigenous Roma – will have to complete a bureaucratic process to secure their right to remain in the UK after 2020.

Background and cause of the problem

The context – securing Settled Status

To gain Settled Status, everyone must satisfy three conditions: prove evidence of identity, prove evidence of length of residency in the UK, and provide evidence of any criminal record. The process is digital only. Since October 2019, the app has been available on both Android and Apple technology. But digital professionals continue to have concerns about the process:

"Concerns remain about whether this system could leave citizens – particularly the elderly or others who lack confidence or access to technology – unable to prove their status, if they need to do so at short notice." (PublicTechnology.net, 5 April 2019)⁵⁴

The app is only available in English language. We are aware of high levels of poor English literacy throughout the Roma communities in the UK. The implications of low levels of digital confidence and English literacy are illustrated in the recent NIESR report "How Schools Are Integrating New Migrant Pupils and their Families".⁵⁵

There is a requirement – albeit a light touch requirement – that any organisation which advises EU citizens in the process of applying has to be registered with the Office of the

⁵¹ The day that UK leaves the EU is 31 January 2020, also known as Brexit day. The transition period refers to the period between Brexit day (31 January 2020) and 31 December 2020 (subject to change). The transition period has been agreed by both parts as a period for final negotiations before Brexit becomes effective, as of 1 January 2021. The end of the transition period coincides with the date by which any EU citizens that arrive in the UK can apply for Settled Status. Any EU citizens coming into the UK as of 31 January 2021 will be subject to new immigration rules.

⁵² <https://www.gov.uk/settled-status-eu-citizens-families/eligibility>

⁵³ <https://www.gov.uk/government/publications/memorandum-of-understanding-between-the-uk-and-ireland-on-the-cta>

⁵⁴ <https://www.publictechnology.net/articles/features/settled-status-scheme-tech-triumph-or-digital-disaster>

⁵⁵ <https://www.niesr.ac.uk/sites/default/files/publications/MigrantChildrenIntegrationFinalReport.pdf>

Immigration Services Commissioner (OISC). Many Roma-led and Roma-supporting NGOs and charities cannot provide in-depth support for people during the application process. The outcome of the application will only be available digitally. There will be no physical or paper copy of Settled Status available.

Applicants will be given (full) Settled Status if they can provide evidence that they have lived in the UK for five years. If they are unable to prove this, they are given Pre-Settled Status; this status will be offered if the applicant has lived in the UK for one day in the last six months. However, this will also mean that when they have lived in the UK for five years, they will have to apply again to secure Settled Status.

The particular impact on Roma communities

- *Issues to do with knowledge and awareness of the need to apply*

The recent report “Unsettling” by *Migrant Voice* contains much detailed evidence from EU nationals and NGOs – including an extensive submission and examples by Roma Support Group – about the experience of the Settlement Scheme over the last 12 months throughout the UK.⁵⁶ It should be used in conjunction with this submission.

We believe that there is widespread lack of knowledge about the need to apply for Settled Status amongst Roma. Amongst those that have an awareness, there is evidence that they are holding back from applying, and the uncertainty of whether Brexit will happen, and when, also complicates the situation. Many of the initial applications have been from Roma families who are more engaged with wider society, and with NGOs etc, and have stronger and more formal connections with society and neighbourhoods. One charity said: “*But we haven't yet outreached people working in car washes, construction labourers, sex workers.*”

- *Issues to do with the application process*

Identity cards:

Digital confidence, using apps on a phone, scanning and uploading documents and English literacy are preventing many Roma applying on their own. They invariably need someone to provide digital and linguistic explanations of the app, log in and application process. A lot of people need support filling the application in as it is too long and too complicated, and they are worried that they fill it in wrong and some people are not used to technology and when a mistake is made it is not always easy to rectify.

Many Roma who have very informal work are reliant on ID cards, some of which are not possible to scan. Some families have lapsed passports or ID cards, which require either a visit to the embassy or a return to the country of origin for replacements. Visits to embassies (for which there is lengthy waiting time of up to six months at present) invariably have to be with both parents and the child(ren); large families will face extensive difficulties with renewals – and have found it cheaper to return to Slovakia or Romania. The logistics and cost are extensive.

Many people are unwilling to send their passport or ID card to the Home Office in the post. For example, families that are intending to travel for holidays and make visits to countries of origin have to have passports/ID with them. Rough sleepers fear that being without an ID card increases the likelihood of police action and immigration removal. Recent outreach sessions by some agencies has revealed a greater disinterest in engaging about the scheme among rough sleepers than even six months ago.

⁵⁶ http://www.migrantvoice.org/img/upload/Unsettling-Settled_Status_Report.pdf

Field experience

A Hungarian lady who came to us back in August. We have had five appointments with her so far trying to help her solve her application. Again, someone has helped her apply before and even though she has a chip on her passport the ID check app was used incorrectly so she is now having to send her passport to Home Office to be checked manually. She travels a lot and is unwilling to do so. We sent an enquiry form to Home Office explaining all this and asking if they can reset the ID check so we can start a new ID check and scan the passport, so she does not have to send it in post. They advised that they are unable to do so and once the document has been entered in the app, we will not be able to do the check again for the same document. The only option was to withdraw the current application, which is quite a lengthy process, another enquiry form had to be filled in and sent and then there was a few weeks wait for this as a case worker had to be assigned to this and there was also ten days waiting time after a confirmation email is sent stating that the application has been withdrawn.

Very few people are aware of the scanning service, the locations and would be unwilling to pay the costs. All applicants require an email address and a phone number to log into the application process. We have examples of people using borrowed phones, forgetting passwords and log-in to email accounts which prevent them from completing the applications.

Field experience

A family of five – mum, dad and three children. They have had three appointments with us so far and several phone calls or drop ins to see us. Their application has previously been filled in by their “friend” who has used her own phone number and email address to apply for their status. They do not know the phone number or the email that the application has been made under and they are unable to contact this person, so we are unable to check their progress or change the details. We tried many different ways, but the security codes are automatically sent to the email or phone number used in the application. An enquiry form asking to amend their phone number and email has been filled in and sent to Home Office; however, a passport and a name is not a sufficient information and they are unable to change details.

The situation of Roma children is very unclear. There is substantial uncertainty about (a) the numbers of Roma children in care (although we know that the number of Roma children in care/children in need processes are increasing); and (b) the awareness of authorities and staff in duty of care. One interviewee said: *“We have no idea how many Roma children are in care, or if the authorities are aware they have to apply on behalf of the children. Last week I had a call from a social worker that has worked with a child for more than a year. When I asked which country child is from, she had no idea. And she’s worked with her for more than a year!”*

Complications about language competences can affect the identity questions. The wrong boxes can be ticked accidentally; for example, in one case, a Slovak family entered their details as Slovenian.

Residence:

Applicants who have had regular formal employment for over five years have been successful in securing Settled Status. We have no definite data, but our estimate is that this is about one half of the applications that we are aware of having been dealt with to date within the Roma community. Moreover, we believe that a growing proportion of applicants are not achieving Settled Status, but Pre-settled Status. This might be due to a more precariously employed applicants now applying, or it might be due to changes that appear to be reflected nationally. There might be other factors operating within the Roma communities; according to an interviewee: *“There is also the problem of unscrupulous people ‘assisting’ with EUSS applications – in our case someone has helped numerous*

people to get pre-settled status because it was easier – when in fact they should have applied for settled status.”

People who have had regular, formal employment will frequently find that their records with HMRC and/or DWP will prove sufficient for confirming five years residence. The complication is with the many other applicants – especially women (who might not have had histories of any formal employment) and children. As an interviewee witnessed: *“Through the work we’re doing with Roma churches it made it very clear that the scheme is problematic for Roma women staying at home, looking after children. It is problematic in the sense that they depend on their husbands or partners, combined with cases of domestic violence. I am not sure of the extent of that issue, but it just made me think that for such women it is pretty difficult to apply.”*

The variety of “other evidence” to prove residence is a consistent issue. Some evidence (e.g. bank records) can cover a long period of up to a year; other evidence (such as doctor’s appointment) just covers one month. There is a maximum of ten documents to ‘prove’ residence. *“Both adults needed to upload more evidence of residence and they had further three appointments with different workers and despite all the advice, face to face or via phone and text, they would turn up with a huge amount of documents, that we had to look through, but there wasn’t any that would be good to be uploaded as evidence.”*

Challenge to the government: After Brexit – what happens in 2021?

The House of Commons Home Affairs select committee recently conducted an inquiry into the EU Settlement Scheme. They reported the following evidence:

“The Home Secretary told the Justice Sub-Committee of the House of Lords Committee on the European Union that one of the reasons the Home Office focused on a largely electronic system was because “we have been learning lessons from the past”, highlighting Windrush (see Chapter 3). However, there will be many applicants who will find the online application process too difficult to navigate, and therefore struggle or fail to apply. This will include those with low levels of literacy, limited English, limited IT skills, and lack of access to IT hardware (such as suitable smart phones and adequate internet access). Sky News interviewed a Romanian man who has lived in the UK for six years, who struggled to use the app:

‘I don’t know how to use a computer, I don’t know how to put my personal data into an application, I didn’t even know what steps I had to take ... I didn’t have any information. It was very stressful.’

He was only able to complete the application with help from a local organisation, the Roma Support Group.”⁵⁷

The Select Committee concluded its inquiry by saying: *“Despite the Home Office’s pledge that it will be looking for reasons to accept applications to the Settlement Scheme rather than to refuse, and that it will take a flexible approach which exercises discretion in the favour of the applicant, we have serious concerns that the detailed design of the Scheme means that many EU citizens currently resident in the UK are at risk of being left out.”*

Many people will not have applied for Settled Status by 2021 through no fault of their own. At the moment, the UK will end free movement either at the end of December 2020, or at the end of June 2021. Some of those without status will be Roma. They will be without papers and potentially subject to detention and removal.

⁵⁷ <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/1945.pdf>

There will be some people who have no understanding that there is a need to apply. Additionally, one community organisation explained the variety of reasons why this might happen:

"People who have gained settled or pre-settled status not being able to access the digital evidence and thereby not being able to prove their status. Obviously, there will be eligible people who miss the deadline. There might be parents with status who have children without status because of lack of passports for children to enable them to make a timely application..... There might be people who are part way through applying but haven't submitted sufficient evidence. A lot of people don't realise that the pre-settled status expires after five years so if they don't act by that point, they are stateless. People move all the time so keeping details up to date will be almost impossible. People change their mobiles all the time too."

In the UK context, this raises the spectre of what is being classed Windrush 2. Under immigration laws passed in 2013, the government introduced an explicitly "hostile environment" which required people (but primarily people of BAME heritage) to confirm their immigration status and right to reside/remain in a variety of public and everyday settings – getting work, getting medical treatment, setting up bank accounts, accessing public services, renting accommodation etc.

The Home Affairs Select Committee outlined the general problem that the UK faces:

"The government has chosen to establish a constitutive system of registration for EU nationals who are currently resident in the UK and wish to retain their rights of residence after the UK leaves the EU. This places the responsibility on each individual to engage with the government and to prove their entitlement to remain. The government has also set a deadline for EU nationals to comply with this requirement.

It is therefore unacceptable that, having chosen this approach, the government has failed to clarify what will happen to EU citizens in the UK who fail to confirm their immigration status through the Settlement Scheme before the deadline. In giving evidence to us the Home Secretary himself appeared unsure what their status and rights would be, only alluding to a vague system that the Home Office "would want" to have in place to support those who might need assistance after the deadline."⁵⁸

The Select Committee recommended that the Home Office:

- clarify the legal rights and status of EU citizens who, for whatever reason, fail to confirm their immigration status through the Settlement Scheme by the deadline. It should do so at least a year before the closure of the Settlement Scheme;
- outline what will be considered reasonable grounds for a late submission to the Settlement Scheme;
- confirm the details of its proposed process to enable EU citizens to establish their status in the UK retrospectively.

Policy answer to the problem

After Brexit – the government response: 'living without papers'

In its response to the recommendations detailed above, the government has rejected these suggestions. It added that:

"Once free movement here has ended, EEA and Swiss citizens will need to take a level of personal responsibility for their immigration status and the rights associated with this status. Individuals already ensure they can enjoy a range of services, for example, by

⁵⁸ <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/1945/1945.pdf>

ensuring they have an up-to-date driving licence. The EU Settlement Scheme is no different and will mean that those who have built their lives here do not find themselves struggling to evidence their rights in the UK or having to carry around multiple bits of paper and documents to evidence their previous UK residence.

*The government has already made clear that people with reasonable grounds for missing the deadline for applications under the EU Settlement Scheme will be allowed to make a late application. That is what the draft Withdrawal Agreement requires, and it will also be the case in a 'no deal' scenario. Such cases will be considered on their individual merits, but we will take a pragmatic approach and guidance for caseworkers will be published to ensure cases are considered consistently."*⁵⁹

We do not think there is an equivalence between the possession of a driving license and the right to reside completely lawfully in a country where you have made your home. A decision, we would add, that is due in no small part, to the hostility, discrimination and exclusion in the country of origin. The fact that these countries are also member states of the EU, and despite the EU launching infringement proceedings against such member states (e.g. Slovakia starting in April 2015 and still ongoing⁶⁰) should only alert the EC to the vice in which Roma migrants in the UK now face – squeezed out of their countries of origin, and squeezed out of their new homelands in Western Europe.

In response to the early reports provided by the Roma Civil Monitor reports, the EC working document summarised under "the most important priorities to be addressed" section of the UK:

*"The EU Settlement Scheme (EUSS) scheme will close in June 2021 and it is likely that many EU nationals (including Roma) will find themselves as outlaws and 'without papers' and so unlawfully living in the UK, if they haven't registered with the government. For EU mobile Roma steps should thus be taken either to make provision for registration outside of the EU Settlement Scheme time limit, or to ensure that the entitlement to this status is not dependant on registration."*⁶¹

Via one of the few consultative mechanisms that exist between government and GRT third sector organisations, charities and community groups, the Home Office was asked for their response to this suggestion that (a) people lawfully living in the UK but who have not applied for Settled Status by June 2021 (or December 2020 in the case of "no deal") should be allowed to register and (b) continued settlement in the UK is not dependant on registration. The Home Office's response was:

- We want EU citizens to stay, which is why we have made it free and easy for them to get a UK immigration status.
- The process can take as little as 15 minutes and there's plenty of support to help people apply by the deadline.
- We have had two million applications, which is ahead of expectations, and there's over a year left at least before the deadline.

⁵⁹ <https://publications.parliament.uk/pa/cm201719/cmselect/cmhaff/2592/259202.htm>

⁶⁰ https://ec.europa.eu/commission/presscorner/detail/en/INF_19_5950 "In Slovakia, however, a disproportionate share of Roma children are placed in special schools or classes for children with mental disabilities and there are also different ways of marginalisation in mainstream education, by placing Roma children in separate Roma-only classes or in Roma-only schools. Following the letter of formal notice sent in April 2015, Slovakia has undertaken several measures intending to tackle this problem. However, after carefully assessing the measures and monitoring the situation on the ground, the Commission concluded that they are not yet sufficient to resolve the problem".

⁶¹ https://ec.europa.eu/info/sites/info/files/cswd_roma_inclusion_measures_reported_under_the_eu_framework_for_nris_pt2_en.pdf (243-244)

- Ultimately, those who fail to make an application will not have lawful status in the UK.
- But we have always been clear that where they have reasonable grounds for missing the deadline, they'll be given a further opportunity to apply.
- Our compassionate and flexible approach will ensure that individuals who miss the deadline through no fault of their own can still get a lawful status in the UK.⁶²

At present, the Home Office has given no further explanation of "reasonable grounds" for missing the deadline for applications; or how "compassion and flexibility" will govern caseworkers interpretation of the regulations.⁶³

After Brexit – the government response: 'supporting the most vulnerable'

The government recognises that many EU nationals will face problems of the sort documented above when applying for Settled Status. In October 2018, the Home Office announced plans for provide 9 million GBP (10.4 million EUR) additional funding to "support EU citizens who might need additional help when applying for their immigration status through the Settlement Scheme".⁶⁴

The chief executive was quoted in the press release as saying:

"It is encouraging that the government has recognised and actively drawn on the local voluntary sector's expertise in working with the most marginalised and disadvantaged members of our communities in planning for this crucially important programme of work.

*We look forward to continuing to work with the Home Office to ensure that the local voluntary sector is given all the tools and resources it needs to effectively enable every EU citizen in this country, no matter how vulnerable."*⁶⁵

In April 2019, the government announced funding to 57 charities and not-for-profit agencies to "provide practical support to vulnerable or at-risk people applying to the EU Settlement Scheme."⁶⁶ The government described vulnerable and at-risk groups as "those who may require additional support include victims of human trafficking or domestic abuse, those with severe mental health conditions, those without a permanent address, and those who are elderly and isolated".⁶⁷

We would presume that those who are likely to have low digital confidence and potentially limited English literacy would also be included as "vulnerable". However, out of the 57 organisations receiving grant support from the government, only six explicitly mentioned supporting Roma people in their remit.

Additionally, the allocation of funding seems to completely omit areas of substantial Roma settlement. For example, Kent (which has the largest number of 'Gypsy/Roma' pupils of any education authority) has received no direct funding for any local third sector organisation - but is supported by Migrant Help running some dedicated sessions in the county. There is no Home Office funding for third sector agencies serving Sheffield, or Derby (although again supported seasonally by Migrant Help), or Birmingham.

⁶² Email from MHCLG quoting the Home Office response.

⁶³ <https://www.freemovement.org.uk/what-happens-if-i-miss-the-eu-settlement-scheme-deadline/>

⁶⁴ <https://www.gov.uk/government/news/new-fund-to-support-vulnerable-eu-citizens-apply-for-settled-status>

⁶⁵ *Ibid.*

⁶⁶ <https://www.gov.uk/government/news/funding-awarded-to-support-vulnerable-eu-citizens-apply-for-settled-status>

⁶⁷ *Ibid.*

We also asked whether the funding to support “vulnerable” EU nationals would continue after March 2020, when the present funding comes to an end. Applications for Settled Status are presently planned to continue to either 31 December 2020 (no deal) or 30 June 2021 (withdrawal agreement agreed). The Home Office has responded by saying:

“We have a number of Roma GFOs (Grant funded organisations) specifically to cater for this hard to reach group; as part of a children’s strategy, we’ve worked specifically with support organisations who work with Roma children and families to ensure that the barriers facing this community are prioritised; and we’re now working closely with MHCLG to align with their Roma policy and engagement team to ensure EUSS is part of their approach.

GFOs that are specific to supporting Roma/traveller community are Clifton Learning Partnership, Tros Gynnal and Positive Action in Housing. Although a majority of the other organisations provide a general service so will also be supporting this cohort.”⁶⁸

There was no response to continued funding to support vulnerable EU nationals after March 2020. We are aware of some local authorities who are providing finance to local third sector agencies to support Roma families applying for Settled Status.

⁶⁸ Email from MHCLG

RECOMMENDATIONS

Improving site delivery through planning policy

1. Local authorities have sole responsibility for site provision, but central government needs to ensure that local authorities actually deliver site provision. An independent body should be established to monitor and benchmark needs-assessments and site delivery and monitor the outcome of Gypsy and Traveller planning applications across the UK.
2. The UK government should ensure that the voices of the Gypsy and Traveller communities are at the forefront of any review of planning policy for Gypsy and Traveller communities and, as part of that review, debate the re-instatement of a statutory duty on local authorities to provide sites (as there is in Wales).
3. The Ministry of Housing, Communities and Local Government should provide resources for NGOs so that they can be a part of the planning consultation in a meaningful way. Doing so would enable the communities to be proactive rather than reactive to the situation in which they find themselves.

Non-take-up of social benefits

4. The Department for Work and Pensions should routinely assess the impact of new social benefits policies on Gypsy, Roma and Traveller communities as part of existing Equality Impact Assessments. They should ensure that rights and entitlements are not ceased on the account of lack of accessibility or information.
5. The Department for Work and Pensions should ensure there is a clear, efficient and effective alternative to accessing and maintaining social benefits for people with low literacy or experiencing digital exclusion; in parallel they should organise literacy training and programs with a long-term vision.
6. The Department for Work and Pensions should roll out a communications campaign to ensure all carers from Gypsy, Roma and Traveller communities know of their rights and entitlements for social benefits.
7. The Department for Work and Pensions should create clear publicly available guidance on accessing housing benefit while living roadside or on a Traveller site.

Roma and Brexit

8. We would urge the UK government and the European Commission to ensure that the rights of EU nationals who do not apply for Settlement Status by the deadline - but were lawfully resident in the UK before Brexit - are supported either in the Withdrawal Agreement, or is a live issue for the Independent Monitoring Authority (IMA) which will be established under the Withdrawal Agreement re the EU Settlement Scheme.
9. We would encourage local authorities to support third sector and charitable agencies to continue (or start to) support Roma and other EU nationals who might need assistance in claiming their rights through the Settlement Status scheme.
10. We would encourage the government to maintain and extend their existent financial support to charities and not- for- profit agencies after March 2020.

ANNEX – STATEMENT OF COMMON GROUND

Statement of Common Ground Chesterfield Borough Council and Derbyshire Gypsy Liaison Group September 2018

1. Purpose of the Statement of Common Ground

This statement of common ground has been prepared jointly between the parties consisting of Chesterfield Borough Council ('the Council') and Derbyshire Gypsy Liaison Group (DGLG).

The Purpose of this Statement of Common Ground is to set out the main points of agreement between both parties with regard to the submitted Chesterfield Borough Council Local Plan December 2018 ('the Plan'). DGLG do not seek to pursue these points during the examination of the Plan. The statement also highlights any outstanding uncommon ground between the parties. The statement is intended to assist the Inspectors during the examination of the Plan.

The purpose of this statement is also to set out the agreed arrangements for on-going co-operation and liaison on Local Plan provision for Gypsy and Traveller sites within Chesterfield Borough and identifying agreed key matters and issues that should be the focus of cooperation and liaison.

2. Background

The Council and DGLG have been working positively together throughout the preparation of the Plan in respect to Gypsy and Traveller issues. Both parties were involved in the preparation of the Joint Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment 2014. In addition, both parties are part of the Derbyshire Traveller Issues Working Group (DTIWG), which meets regularly. It was agreed at the DTIWG that there should be a full review / refresh of the GTAA to be commissioned in 2019 /2020 on behalf of partners, when the first five-year tranche of pitch requirements from 2014 to 2019 set out in the GTAA had expired.

The National Federation of Gypsy Liaison Groups made formal representations to the Plan at Publication Draft stage. NFGLG supported the Council's approach in reviewing council owned land in the search for sites to meet the needs of Gypsies and Travellers, and agreed that the suggested site area was reasonable. NFGLG also commented that ideally sites should be small (up to 5 pitches), but urged the Council to be flexible in site selection.

DGLG provided comments relating to the overall approach to Gypsy and Traveller provision as well as separate comments on the appropriateness of individual sites during the consultation on potential Gypsy and Traveller sites in February 2018. A representation was also made on Policy LP6 'Traveller Accommodation' in the Pre-submission Local Plan consultation in February 2019.

3. Agreed matters between the Council and DGLG

It is agreed that the Council has made a significant positive effort to engage with representatives of the Local Gypsy and Traveller community through the preparation of the Plan. This includes the Council encouraging site submissions via three calls for sites.

It is also agreed that the Council has undertaken a comprehensive review of sites, and that following the granting of planning permission for an additional three pitches in the borough, the full needs are being met and there is no requirement to include in the Local Plan. If further needs arise in the future either as a result of planning applications or if the evidence is updated, the criteria-based Policy LP6 'Traveller Accommodation' allows for suitable windfall sites to come forward.

The Derbyshire Traveller Issues Working Group (DTIWG) resolved that the costs of establishing a transit site or sites in the study area was prohibitive. Both parties will continue to work on the issue of transit provision through DTIWG.

4. Outstanding Issues

It is important to note that across the wider Northern Derbyshire Gypsy and Traveller Housing Market Area (GTHMA) (Bolsover District Council, Chesterfield Borough Council, and North East Derbyshire District Council), the emerging Local Plans do not identify sufficient specific sites to meet the need for pitches as set out in the GTAA. Following the granting of planning permission for three additional pitches, there is one surplus pitch within the borough. The site in question is a small, family site and the additional pitch is intended to provide flexibility for the occupying family. The GTAA review may identify a requirement for additional pitches within Chesterfield Borough beyond 2019. The additional pitch is therefore, considered to provide a degree of flexibility in meeting any longer-term needs within the borough.

A Statement of Common Ground between the GTHMA authorities includes a number of specific actions that the LPAs will take to try to resolve the shortfall in provision within the GT HMA. These actions and matters of common ground across the GTHMA have yet to be agreed with DGLG.

There are two outstanding issues regarding the DGLG Representation on the Pre-submission Local Plan that will need to be dealt with through the Local Plan examination:

Concerns about the drafting of Policy LP6 which suggests that sites allocated for other purposes will be unacceptable. Some sites allocated for other purposes (eg residential or employment) may prove suitable and necessary if other sites do not come forward to meet the identified need.

The council is of the view that the Policy is sufficiently flexible, particularly considering that identified need has been met through the granting of planning permissions. Housing site allocations are required for that purpose in order to meet identified needs. Employment land may be developed for other uses subject to the criteria in Policy LP7.

Oppose the inclusion of the final criterion. It is, of course necessary to have regard to all relevant policies when determining applications so this criterion is unnecessary. It does not generally appear in other policies.

The council is of the view that criteria (i) provides clarity, with similar wording used in other policies such as the first paragraph of Policy LP4.

5. On-going Cooperation and Liaison

Both parties are committed to continuing to work together via the regular DTWIG meetings (and individual meetings where appropriate), to identify potential new permeant Gypsy and Traveller sites.

DGLG will continue to be a consultee on the Local Plan.

The Council will seek to liaise with DGLG and the other LPAs within the GTHMA to find agreement on issues at this broader level.

APPENDIX A SIGNATORIES OF THE PARTIES

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