

Gypsies in Wales

Introduction

The laws and regulations which apply to Gypsies and Travellers in England with respect to accommodation, eviction, planning, education and health apply equally to those in Wales; although Welsh Office Circulars have different numbers from their equivalents in England, their content is identical.

In *The Welsh Gypsies: Children of Abram Wood*¹, A.O.H. Jarman and Eldra Jarman assert that there are probably no true Gypsies now travelling in Wales. They go on to say that *'the few Gypsy families travelling the roads have fallen on hard times owing to the lack of camping-sites. It is possible that some farmers would still be prepared to allow small numbers of Gypsies to camp on their land had the recent influx of Irish Tinkers not brought about a hardening of attitudes towards all itinerants ... The way of life of these latter day 'Gypsies', who refuse to conform with the more stereotyped and urbanized society of the twentieth century, arouses much resentfulness and intolerance.'*

The 'it's not the real Gypsies that bother me, it's the other ones' view appears to be prevalent among the settled population throughout the UK. But as Angus Fraser has said, *'If a people is a group of men, women and children with a common language, a common culture and a common racial type, who can be readily distinguished from their neighbours, it is a long time since the Gypsies were that. They have, over the centuries, become remarkably diversified. So too have the meanings attached to the term 'Gypsy' itself - a semantic problem not of the Gypsies' making. The word is the name (or rather, one of many names) given to them by outsiders.'*²

At least in South Wales it is probably true that most of the Travellers are Irish. The south coast is a corridor through which Irish Travellers pass on their way from the Republic of Eire to the Welsh ports and on to work and family in England; and some stay and settle here. It is difficult to know how many Travelling people in Wales are 'Gypsies' in the Romany sense; for the purposes of social justice, it may not even matter. What is significant are the problems of impaired access to appropriate accommodation, health and education services, inequality, and the lack of respect for difference on the part of settled people, experienced by all Travelling people (including those in houses).

¹ (1998) University of Wales Press, Cardiff, pp. 146-7.

² Fraser (1992) *The Gypsies*, Blackwell Publishers, Oxford, p. 1.

Numbers

The January 1996 Gypsy Count Survey in Wales, undertaken by local authorities and collated by the Welsh Office, estimated that there had been 23 unauthorised encampments involving 132 caravans, and 21 official (publicly-provided) and private sites on which were stationed 483 caravans. These were concentrated in Alyn and Deeside, Wrexham Maelor, Pembrokeshire, Merthyr Tydfil, Cardiff and Swansea. Two trends are notable from the figures: unauthorised encampments are, perhaps naturally, higher where there are few or no official sites, and yet many authorities who manage no official sites also appear to have experienced no unauthorised encampments.

In January 1997 the Welsh Office estimated that there were 846 Traveller children in Wales: 268 between the ages 0-4, 369 between 5-10, and 209 from 11-16. The statistics are the last to be collated by the Welsh Office. Within a few years of the coming into force of the Criminal Justice and Public Order Act 1994, the Welsh Office decided that the biannual central collection of the count of Gypsies in Wales was no longer justified.

In July 1997 a civil servant in the Planning Division of the Welsh Office wrote: *“The count was a purely voluntary arrangement designed to provide the Department with the necessary background information to assess whether, in the event of a complaint, a county council had fulfilled its statutory duty ... With the repeal of the appropriate part of the 1968 legislation the need for central collection of the information ceased; though clearly there is a need for each unitary authority to collect the information - along with a host of other information that each needs for various purposes - to ensure that they are effectively implementing policies for education, public health and the like.”*

In 1998 the School of Education at the University of Wales Cardiff and the Save the Children Fund (SCF) published *Traveller Children and Educational Need in Wales*. Like the 1996 OFSTED Report in England, the SCF Report identifies far greater numbers of travelling children in Wales than official governmental counts would suggest. This can be partly explained by the fact that only those people deemed to be Gypsies in the Romany or Traditional Traveller sense are counted by the Welsh Office (WO); because the researcher obtained information from departments other than those approached by the WO; and because Traveller children may have been unrecorded in the WO counts if they went unseen. The SCF Report suggests that there are at least 1809 Traveller children in Wales.

It is clear that official estimates of the number of Travelling people in England and Wales should be treated with distrust. They are not counted by all authorities; those that do undertake the count may not include Travelling people whom they deem not to be ‘Gypsies’; other counts by statutory and voluntary educational bodies put the numbers much higher, at double the official numbers; and the figures do not, as the Government’s own 1991 research recognised, say anything about the people counted or about their needs and desires. More telling is the fact that Travelling

people are *not* included on the National Census, even within the 'Other' category of ethnic minority groups. It is equally difficult to estimate how many Travelling people are settled in housing; how long they will remain there; and whether they have been pushed or pulled into housing.

Gypsy Traveller Support

Cardiff Gypsy Sites Group (CGSG) is the only known Gypsy and Traveller support Group in Wales (although of course some national, British Gypsy organisations may offer support to Gypsies in Wales). England has such voluntary organisations in Avon, Buckinghamshire, Hertfordshire, London, Sheffield and York, to name but a few.

CGSG was set up in 1981, and offers an extensive advice and liaison service to the Gypsy Traveller community and all service-providing agencies in Cardiff and the surrounding area. Issues dealt with include planning, site development, grazing rights, site management, housing, homelessness, racial harassment and discrimination, health, legal matters and welfare. Welfare advice, information and representation is given during scheduled drop-in office sessions, and fortnightly surgeries on one of the two official sites in Cardiff.

Five recorded cases of racial harassment of Gypsy Travellers in Cardiff occurred in 1998. The Commission for Racial Equality was helpful in resolving two of these: in one case two Gypsy Travellers were dismissed from their jobs because it was discovered that they had family on one of the sites; another involved false accusations in a large supermarket. In another case the Cardiff Mediation Service was used where a Gypsy family in housing were the subject of racial abuse from a neighbour. CGSG also arranged, with Cardiff Council, a successful Gypsy Traveller Awareness Day which was held at County Hall in October 1998.

CGSG are finding that, due to the enabling approach taken since the conception of the Group and the increased literacy and telephone ownership of site residents (and housed Gypsies) in recent years, referral work is gradually reducing. They continue to liaise with the local authority, seeking playgrounds on the two official sites (one of which is twenty years old and sited in a particularly unpleasant and sterile place), and pressing for another site. An independent consultation with Gypsy Travellers in the area identified accommodation, site safety and play space as being issues of concern.

CGSG's Annual Report for 1997/98 notes that the accommodation situation for this period is a continuing one, with a shortage of local authority site provision, no private provision, and a corresponding push into housing. The Group has managed to prevent some families from having to present as homeless by setting up a scheme whereby mobile homes can be privately rented from a caravan company.

Accommodation

Sadly, settled people and the print media often seem to confuse accommodation issues with criminal matters. The only real link is that, since 1994, the way of life of Gypsies and Travellers has been criminalised due to a lack of legal stopping places.

The National Gypsy Council has evidence from 1996 which shows that, on occasion, officers of the Gwent Constabulary have ignored Welsh Office Circular 76/94 (identical in content to Home Office Circular 1/94) and guidance issued by the Association of Chief Police Officers, which advise that police powers under the Criminal Justice and Public Order Act 1994 should not be used needlessly. Indeed, it appears that some officers may have approached landowners who are permitting Gypsies and Travellers to stay on their land, *offering* to employ their powers of eviction under section 61.

Of course, as in England, there would be little need for powers to deal with unauthorised encampments if accommodation for Travelling people were provided or enabled as it is for settled people. Wales has a patchy history in this regard. Two authorities were criticised in judicial reviews under the Caravan Sites Act 1968 for not complying with their statutory duty to provide sites: West Glamorgan, in the 1986 case of Rafferty, and Dyed in the 1988 case of Price.

Cardiff Gypsy Sites Group calculate that there were 49 roadside families on 23 unauthorised encampments in the Cardiff and Vale of Glamorgan area during 1997/98, approximately half of whom were in need of permanent accommodation.

The Vale of Glamorgan has seen a long-running saga in recent years, in which a Gypsy man with long-standing local connections purchased his own land but was unable to gain planning permission to live on it with his family. Instead the local authority deemed itself planning permission of a parcel of land in their ownership, for the Gypsy family to rent as licensees, upon which nearby villagers set up a campaign against the site and sought judicial review of the local authorities' decision. The Gypsy concerned was not made a party to the legal challenge, although he clearly had a direct interest in the outcome (including the possibility of being made homeless); he successfully sought judicial review of the matter himself in order to become a party to proceedings. The matter is not yet resolved, and has been ongoing since 1990.

In Wrexham, North Wales, a long struggle between local settled people and the local authority over plans for a new site did, unusually, result in the site being built. In 1996 a local resident set up a group called CATS (Campaign Against Traveller Sites) and was running 'local democracy' meetings in a school hall until the local church complained. A number of families are now well settled on the new site, or in housing - supported by local service-providers - but some families are reluctant to leave the site upon which they have resided for some time and many problems are far from resolved. (While difficult to prove, it appears that a disproportionate number of Wrexham pubs continue to illegally display 'No Travellers' signs). Flintshire has also

successfully developed a new site on the last year or two. Of course, the flip side of such positive progress is that these authorities now appear to operate a 'zero-toleration' policy to unauthorised encampments, compelling Travelling people to leave the area or enter housing.

Housing Gypsies

CGSG note that increasing numbers of young couples are forced to present themselves as homeless and move into housing as there is no alternative accommodation available to them. The relationship between Gypsies and Travellers and housing in Cardiff was explored in 1992 by Professor Phil Thomas and Sue Campbell of Cardiff Law School in *Housing Gypsies*. Thomas and Campbell spoke to Gypsy Travellers on sites and in houses, and settled people who were local politicians or worked in a professional capacity in the accommodation field.

The research was undertaken at a time when the last conservative government was undertaking 'consultation' on reform of the Caravan Sites Act (resulting in the Criminal Justice and Public Order Act 1994, and the repeal of the local authority duty to provide Gypsy sites). None of the Travellers interviewed had heard or been told of the proposed reforms, which might have a considerable impact on their lives. When told that the measures were in part a result of a government crackdown on 'hippies' and 'ravers', many began to express antipathy to New Age Travellers; government reforms and messages seem to have deepened divisions within the travelling communities.

Paragraph 27 of the 1992 consultation paper stated: *'gypsies may not find it easy to provide sites for themselves and, if they do manage to find a site, the process of settling down and possibly transferring into traditional housing may not be easy for people who are accustomed to a nomadic life-style. Accordingly, the Government believes that it may be necessary to provide advice on education, health and housing which encourages gypsies and other travellers to settle and, in time, to transfer into traditional housing. It may also be necessary to inform public opinion about the advantages of permitting official sites and encouraging gypsies to settle so that they become integrated into the community.'*

A Cardiff Councillor said, *"As far as I am concerned the travellers are born into a way of life that they want to preserve and I do not think that they should be forced into housing. The other issue is that there aren't any houses for them to be forced into because in Cardiff there is a large waiting list There are lots of families in B & B and where are the houses going to be found for the travellers?"* A Gypsy said: *"They would need huge houses to put us in 'cos of the size of our families. If you have 5 child you must have a 4 bedroomed house. What if you have 10 or 13 children? They'd have to knock two or three houses together."*

Another Gypsy said: *"It would be wrong to put Gypsies into houses. They would be taking away all our culture. And we would not be able to keep pets - chickens and*

horses. When my parents died, a house-dwelling friend took me in her house for the night but I could not sleep upstairs so I slept downstairs on a settee by a door. I like to be by a door, I can't settle unless I'm near a door. I'd be lost in a house because of all the open space, it would make me feel ill. I think all Gypsies feel like I do."

The government proposals also suggested that, if not wanting to move into housing, that Gypsies should provide their own sites for themselves. However, while many families would probably like to have their own plot, racial prejudice, inability to meet the requirements of settled money lenders, lack of financial paperwork and a documented list of past addresses, can all stand in the way. As one Cardiff Gypsy said, *"We tried to find land in all parts of Cardiff and we were unsuccessful. We also tried in many other parts of the country without luck. Once the owner found out we were Gypsies the deal was off."* Another said that *"even if you can afford a piece of ground you can't do what you like with it. I know some farmers very well. I could buy from them and pay so much each week but not through a bank or anything like that, but you couldn't live on it 'cos you won't get permission."*

Education

In writing *Traveller Children and Educational Need in Wales*, the SCF Report mentioned above, the researchers interviewed Travellers in Wales and ascertained that there were two major obstacles to the provision of education for Traveller children: their nomadic lifestyle and culture, and the incompatibility between these and the conventional provision of education. *'A general lack of appreciation of Traveller lifestyle and culture has culminated in misunderstandings and misconceptions on all sides.'* Travellers seemed keen to at least provide education for their children at a primary level, but also felt that school provided only a part of their children's education.

Some local authorities in Wales seem to refuse to acknowledge the presence of Travelling families in their areas, and thereby do not meet their statutory educational duties. There also, and despite the recommendations of Welsh Office Circular 52/90 on inter-agency working, appears to be little co-ordination between different departments within local authorities with regard to the provision of services to Travellers.

The findings in Wales with respect to the education of travelling children in Wales are much the same of those in the OFSTED Report on England. What is different is the level of specialist support available to the children in Wales. If 'Traveller Education Service' (TES) is defined in the English sense, as a county-wide service with a dedicated head and other specialist workers and Education Act 1996 Section 488 funding, then there is only one such service, in Cardiff. Highly effective but less well-resourced Services operate in Swansea and Wrexham. Other 'services' throughout the country may only consist of a sole named person with some responsibility, and who may not provide a county-wide service.

Only 7 TESs in Wales receive Section 488 funding. Until 1998 £11.5 million was available to TESs in England, but only £150,000 to Wales. According to an estimate by SCF, this means that 6% of Travelling people in Britain are in Wales, but receive only 2.5% of the special funding for education services. The Welsh Office recently announced that it is doubling the amount of money available for 'development work' in Traveller education. However, but due to their significant under-estimate of numbers of travelling children as identified previously, the percentages - and thus the anomaly between England and Wales - will remain the same.

Research & Reform

In March 1995 the Telephone Legal Advice Service for Travellers (TLAST) was set up in Cardiff Law School at the University of Wales, and ran for three years. TLAST provided advice and referral (legal and practical) for Travelling people in England and Wales who, due to their lifestyle, face particular legal problems exacerbated by the inaccessibility of legal services. The often isolated locations of Travellers make access to specialist legal advice by telephone more user-friendly, due to the increased use of mobile telephones amongst the Traveller community.

The work of TLAST had the following aims:

1. To provide a front-line telephone legal advice service for Travellers.
2. To encourage best practice through the development of a referral/ liaison network amongst specialist legal practitioners (around 100) willing to under-take Traveller-related casework from first enquiry through to test cases in the UK and Europe where appropriate.
3. To undertake and disseminate research about the legal needs of Travellers in order to inform the future policy of organisations dealing with publicly funded legal services.

There were over 1,200 calls made to the service by Travelling people themselves and those working for and on behalf of Gypsies and Travellers in their professional capacity. The highest number of calls related to problems obtaining planning permission to develop privately-owned land, and legal problems relating to unauthorised encampments; there were also many calls regarding discrimination and racial harassment experienced by Gypsies and Travellers on private and public sites, and in housing.

In March, 1997 TLAST organised a conference with specialist speakers from the Republic of Ireland, Scotland, Northern Ireland & England and Wales which aimed to provide a forum at which imaginative and practical proposals for Traveller law reform could be raised. The conference was attended by more than 90 Traveller-related organisations including local authority personnel, teachers of Travellers, Health Visitors, legal practitioners, planners, Church officers, police officers and individuals. Emerging from the conference were proposals for the development of

specialist Traveller Working Groups (TWiGs), which began to meet in March 1998 with a view to providing a common platform to lobby for Traveller law reform.

TLAST concluded in April 1998, but the Traveller Law Research Unit (TLRU) of which it was a part continues to exist and to facilitate a platform for Traveller law reform. Following six months of meetings with the TWiGs, discussing accommodation and site provision, eviction and criminal justice, planning, education, and health and social services, in London in February 1999 TLRU ran its second conference on Traveller Law Reform. This brought together nearly 200 people and organisations, including Travelling people and government representatives, to discuss and agree practical, imaginative and realisable reform proposals in the law, policy and practice affecting Gypsies and Travellers. It is hoped that a momentum towards such reform has been created and can be sustained.

The Future

The law for Gypsies and other Travelling people, in Wales as in England, needs to be created and/or amended so that two principles can be honoured:

1. The way of life of Travelling people is legal and legitimate, and should be respected and enabled.
2. Gypsies and other Travelling people, including those in housing, while respected for their 'differentness', must be treated equally with settled people. This may entail providing the same services as are provided for settled people, but using a more culturally appropriate method of service delivery.

It is difficult to know what will happen when the Welsh National Assembly commences its governance. While the two men most highly tipped to be the first Head of the Assembly following devolution both have professional experience with and are sympathetic to Gypsy and Traveller issues (indeed, one has Gypsy connections by marriage), it remains to be seen whether a new Assembly will find the time or the will to tackle some of the problems faced by Gypsies and Travellers in Wales.

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