



Equality Impact Assessment (EIA)

Title of function, policy, project or proposal (FPPP): Unauthorised Encampments

Date of Assessment: 22nd July 2011

Assessment Author:

Date of previous Assessment: N/A

Stage 1 – About the FPPP:

What are the aims and purpose of FPPP?:

- 1) To comply with the legislation and guidance in relation to unauthorised encampments. Unauthorised encampments are defined by the Government as “encampments of caravans or other vehicles on land without the landowner or occupier’s consent and constituting trespass. Unauthorised encampments fall into two main categories: those on land owned by the local authorities (highways, schools, public car parks etc), and those on privately owned land.
- 2) Ensure a fair and balanced approach across Essex police to dealing with unauthorised encampments
- 3) To manage unauthorised encampments in a transparent, efficient and effective way taking account of the potential level of nuisance for local residents and the rights and responsibilities of Gypsies and Travellers thereby increasing the confidence of all communities. ‘Management’ can be monitoring of a site (in relation to legal issues) if immediate eviction is not appropriate, or using section 61 provision to remove persons / vehicles if necessary (in relation to the definitions of the law).

What policies / procedures / guidance are relevant to this FPPP?

Government six monthly site surveys
Essex Police unauthorised encampment statistics
DETR – Managing Unauthorised Encampment – A Good Practice Guide
ODPM, ACPO and HO guidance on managing unauthorised encampments
Scanning of internet and media reporting of Gypsy Traveller issues

Outline the FPPP and describe how discretion may be applied

This procedure addresses the issues surrounding the decision making process to make it more consultative and transparent. Police powers which can be employed are contained mainly within the Criminal Justice and Public Order Act 1994.

The procedure will institute an audit trail of the decision making process, for example: completing an initial site assessment and an eviction rationale record. This will not only allow for responsibility and rationale for the various parts of the process to be seen but will also make it easy to identify and disseminate good practice. It will also make considerations that should be taken into account before such decisions are made.

All Police decisions and actions must be made in compliance with the provisions of the Human Rights Act 1988. Any action should only be such as is necessary for public safety, the prevention of crime or disorder, the protection of health, or for the protection of the rights and freedom of others.

All Police actions should be conducted in a manner compatible with the operational principles of safety, lawfulness, necessity, proportionality and common humanity. Actions should be completed in a manner that is the least intrusive to achieve the purpose. It is necessary to achieve a balance in the protection of the rights and freedom of all persons concerned with the unauthorised encampment.

Stage 2 Consider the evidence

Who is affected by this FPPP and how?

Anyone setting up and Unauthorised Encampment, Gypsy and Traveller communities, Police Service, Local authorities, Race Equality Partners and Independent Advisory Groups, settled communities.

What relevant quantitative data has been considered?

There is no data available about the number of unauthorised encampments that Essex Police has previously had dealings with. A specific piece of research, to identify police response to unauthorised encampments in a two month period between 1st July 2010 and 31st August 2010 showed 142 incidents of trespass of which 66 incidents relating to Gypsy & Traveller unauthorised encampments, not all requiring section 61 usage. Where section 61 had been used the research identified inconsistency in usage.

What relevant qualitative data has been considered?

In Essex Police experience, unauthorised encampments tend to be, but are not exclusively, in relation to Gypsies and Travellers. There is a lack of data about the number and make up of travelling people across the country or specifically in Essex. Significant work has been undertaken in response to the requirement on local authorities to assess the housing needs of Gypsy and Traveller communities. This shows a shortage of both permanent and transit sites across the UK.

Who has been consulted (internally and externally) to assess the impact of this FPPP, how they were consulted and give a summary of the responses:

Diversity Unit

Strategic Independent Advisory Group
Essex County Council Gypsy and Traveller Services

Does any specific research need to be commissioned / undertaken to inform this assessment? e.g. user surveys, focus groups. If so, what and who will arrange?

N/A

Stage 3 Assessing the impact

Explain the different impact of this FPPP on service users (positive and negative), as suggested by data / consultation in respect of:

a)Age: Older people, youth, children:

Where a forced eviction is appropriate the immediate impact may be additional stress on older or younger people involved and may affect access to education and healthcare if there is no immediate long term alternative site available.

b)Disability (including physical, sensory and learning disabilities, mental illness and Specific Learning Difficulties):

Various national studies evidence disproportionately higher levels of ill health/ mental ill health and chronic diseases in Gypsy & Traveller communities compared with settled communities. Access to healthcare may be impacted on a wider front.

c) Gender and transgender:

There is no data to identify if previous use of this FPPP has impacted differently on men or women. The FPPP will be applied equally to men and women in respect of the legal criteria.

d) Race (including Gypsies and Travellers) and nationality:

As stated previously, unauthorised encampments are generally more prevalent in Gypsy and Traveller communities because there is a lack of both temporary and permanent site provision in the UK. This when coupled with action to remove people from unauthorised encampments has the effect of actually increasing the number of such encampments as people are forced to find new sites to camp having been removed from their old ones. Roma Gypsies and Irish Travellers are recognised in UK case law as being protected races and it is necessary to ensure they are not treated disproportionately.

The use of the Unauthorised Encampment process can have the effect of denying people access to health care, education, employment and potentially the voting process.

Police are seen by many Gypsies and Travellers as supporting eviction processes and to lack objectivity in the way in which they exercise their powers. This contributes to a lack in confidence in the perceived willingness or ability of Police to respond effectively to Gypsy and Traveller issues. This in turn contributes to underreporting of hate crime directed against Gypsies and Travellers.

e) Faith and / or culture:

No specific implications re Faith or Culture from application of this FPPP. It should be noted however that travelling communities generally have very strong family bonds which are strong cultural features. The implications of breaking up family groups will have strong impact.

f) Sexual orientation

No specific implications re sexual orientation

g) Other social factors e.g. carers, homeless people

Stage 4 Way Forward

Can any different impact as described at a-g above be justified and if so why?

As stated, most unauthorised encampments do tend to involve Gypsy and Traveller families, which can therefore realise a disproportionate impact in the overall use of the FPPP. Such impact will be justified as long as the legal criteria are met and full consideration is given to the situation including Human Rights issues.

Describe any changes that could / will be made to reduce / eliminate any different negative impact as at a-g above:

This policy addresses the issues surrounding the decision making process to make it more consultative and transparent. It institutes an audit trail of the decision making process. This will not only allow for responsibility and rationale for the various parts of the process to be seen but will also make it easy to identify and disseminate good practice. It will also make considerations that should be taken into account before such decisions are made.

Describe how the FPPP promotes good relations:

Helping those involved in unauthorised encampments to understand the law will hopefully help any situation where the process has to be used. The procedure sets out a framework for officers to effectively manage issues relating to unauthorised encampments. It is designed to engage all other agencies at an early stage including representatives of the travelling community to

properly assess and manage the impact of any eviction process. In addition, the policy promotes a Code of Conduct to improve relations between all communities in order to minimise the use of police powers.

Itemise any recommendations from this review which will improve the effectiveness / fairness of delivering this FPPP , describe how they will be actioned, who is responsible for delivering the action and the timescale:

The effectiveness and fairness of the unauthorised encampment policy and procedures should be subject of continual monitoring by Command Teams with dip sampling by the Equality of Service Manager/ Independent Advisory Group and periodic oversight by the Force Equality Delivery Group.

Working with partners to ensure usage of the FPPP is minimised

Stage 5 Monitoring Arrangements

Describe how the FPPP is monitored or will be monitored if it is not currently:

The effectiveness and fairness of the unauthorised encampment policy and procedures should be subject of continual monitoring by Command Teams with dip sampling by the Equality of Service Manager/ Independent Advisory Group and periodic oversight by the Force Equality Delivery Group.

Stage 6 Publication

Have the outcomes been fed back to those consulted?

DIVERSITY UNIT: Assessment agreed for publication or further work needed?

Signed Ian Carter

Date 27th July 2010

Date forwarded to website manager for publication: