

Equality Impact Assessment (EIA) Template – Part 1

Policy title and purpose (brief outline):	Undertaking Gypsy and Traveller accommodation assessments guidance Guidance to assist local authorities to properly assess accommodation needs as required under the Housing (Wales) Act 2014
Name of official:	John Davies
Department:	Fairer Futures Division, Local Government & Communities
Date:	February 2015
Signature:	

1. Please provide a brief description of the policy/decision.

For example what is the overall objective of the policy/decision, what are the stated aims (including who the intended beneficiaries are), a broad description of how this will be achieved, what the measure of success will be, and the time frame for achieving this?

This guidance assists Local Authorities in undertaking accommodation assessments to ensure the needs of these communities are properly assessed and provided for. The guidance replaces Appendix F of the Local Housing Market Assessment Guide (2006) and aims to create a more focused methodology and process of calculating needs which Local Authorities are required to follow.

This should ensure Local Authorities better understand how many Gypsy and Traveller pitches are required in their area and should form a robust evidence base for local planning policies which meet those needs.

New accommodation assessments will need to be completed within 12 months of publication of this guidance and commencement of the Housing (Wales) Act 2014 provisions (by end of February 2015).

Ultimately, it is expected this guidance – coupled with Part 3 of the provisions of the Housing (Wales) Act 2014 - should lead to increased accommodation provision to support Gypsies and Travellers to access culturally appropriate accommodation.

2. We have a legal duty to engage with people with protected characteristics under the Equality Act 2010 (please refer to Annex A of the EIA guidance) identified as being relevant to the policy. What steps have you taken to engage with stakeholders, both internally and externally?

This guidance was published for consultation for 12 weeks between 1 September – 21 November 2014 to gather views from a range of key stakeholders. This included:

- All 22 Local Authorities which are required to undertake assessments;

- 'Gypsies and Travellers' (including Romani Gypsies, Irish Travellers, Travelling Showpeople and 'New' Travellers);
- Organisations which support these communities in Wales;
- Welsh Local Government Association;
- Consultants known to undertake accommodation assessments in Wales.

The consultation process sought to consult stakeholders at the most appropriate and convenient location, including on authorised or unauthorised sites, offices or other locations. Young people were also specifically targeted to ensure their voices are heard.

Internally, the guidance has been shared with colleagues in Housing, Planning and Fairer Futures divisions to ensure it links with existing policies and legislation.

3. Your decisions must be based on robust evidence. What evidence base have you used? Please list the source of this evidence e.g. National Survey for Wales. Do you consider the evidence to be strong, satisfactory or weak and are there any gaps in evidence?

The requirement for accommodation assessments to be undertaken relates to the duty to provide Gypsy and Traveller sites, where a need has been identified. The evidence base for this duty was published to support the Housing (Wales) Act 2014 and is available as the Explanatory Memorandum here:

<http://www.senedd.assemblywales.org/mglIssueHistoryHome.aspx?lId=8220>

The process of how to undertake accommodation assessments, as outlined in the guidance, is based upon discussions with organisations and individuals who have previously undertaken accommodation assessments and to ensure the aim of assisting local authorities with the creation of robust evidence. The consultation process led to a number of important operational changes to the guidance which ensure it is fit-for-purpose.

The guidance sets out the need for a primary survey of Gypsies and Travellers, rather than a review of existing secondary data which would mirror the method of assessing wider accommodation needs. This approach has been identified because Gypsies and Travellers would not be easily identifiable within existing data sources. It is also required as

mobile home accommodation needs are culturally appropriate to these communities and because there is no accommodation market in Gypsy and Traveller pitches.

Impact

4.1 Do you think this policy / decision / practice will have a positive or negative impact on people because of their age?

Age	Positive	Negative	None / Negligible	Reasons for your decision (including evidence) / How might it impact?
Younger people <i>(Children and young people, up to 18)</i>	√			Children and young people will be more likely to receive stable accommodation to ensure that they can enjoy a decent standard of living and reach their potential
People 18-50	√			This policy should lead to more culturally appropriate accommodation which should reduce homelessness
Older people (50+)	√			This policy should lead to more culturally appropriate accommodation which should reduce homelessness

4.2 Because they are disabled?

Impairment	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Visual impairment	√			By better assessing needs of Gypsies and Travellers and providing additional sites, community members can be provided with more appropriate and safer accommodation and promote continuity of care
Hearing impairment	√			As above
Physically disabled	√			As above
Learning disability	√			As above
Mental health problem	√			As above
Other impairments issues	√			As above

4.3 Because of their gender (man or woman)?

Gender	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Male	√			By better assessing needs of Gypsies and Travellers and providing additional sites, community members can be provided with more appropriate and safer accommodation
Female	√			As above

4.4 Because they are transgender?

Transgender	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
			√	This policy will not be affected by gender identity.

4.5 Because of their marriage or civil partnership?

Marriage and Civil Partnership	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Marriage			√	This policy will not be affected by marriage or

				partnership status.
Civil Partnership			√	As above

4.6 Because of their pregnancy or maternity?

Pregnancy and Maternity	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Pregnancy	√			This policy should have a positive impact on those who become pregnant as needs will be better assessed and any resulting accommodation will provide stable accommodation for the family.
Maternity (the period after birth)	√			Resulting accommodation will provide stable accommodation for the family.

4.7 Because of their race?

Race	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How might it impact?
Ethnic minority people e.g. Asian, Black,	√			The policy will have a positive impact as Gypsies and Travellers are recognised ethnic

				groups under the Equality Act 2010.
National Origin (e.g. Welsh, English)	√			Many Gypsies and Travellers are of national origin and may be positively impacted by this policy. In addition, by providing required sites settled communities should experience less unauthorised encampments.
Asylum Seeker and Refugees			√	No identified impact
Gypsies and Travellers	√			This policy should positively impact these communities as it seeks to ensure that their accommodation needs are properly assessed and planned for.
Migrants			√	No identified impact
Others			√	No identified impact

4.8 Because of their religion and belief or non-belief?

Religion and belief or non – belief	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Different religious groups			√	Although many Gypsies and Travellers are

including Muslims, Jews, Christians, Sikhs, Buddhists, Hindus, Others (please specify)				Christian and may benefit from settled accommodation to attend local places of worship, the policy does not impact in any meaningful way on Christians (or other religious worshippers) as a whole.
Belief e.g. Humanists			√	No impact identified
Non-belief			√	No impact identified

4.9 Because of their sexual orientation?

Sexual Orientation	Positive	Negative	None / Negligible	Reason for your decision (including evidence)/ How might it impact?
Gay men			√	This policy will not be affected by sexual orientation
Lesbians			√	As above
Bi-sexual			√	As above

4.10 Do you think that this policy will have a positive or negative impact on people's human rights? *Please refer to point 1.4 of the EIA Annex A - Guidance for further information about Human Rights.*

Human Rights	Positive	Negative	None / Negligible	Reason for your decision (including evidence) / How

				might it impact?
Human Rights including Human Rights Act and UN Conventions	√			<p>This policy will support the realisation of Article 8 of the European Convention on Human Rights / Human Rights Act, as Gypsies and Travellers will be more able to access culturally appropriate accommodation.</p> <p>The policy also supports Articles 8, 27 and 30 of the United Nations Convention on the Rights of the Child as it allows young Gypsies and Travellers to enjoy their culture and achieve a decent standard of living to develop fully.</p>

Overall, the policy should support Gypsy and Traveller communities to access culturally-appropriate accommodation. The policy will positively impact upon these communities but should not negatively impact on others with protected characteristics.



Equality Impact Assessment – Part 2

1. Building on the evidence you gathered and considered in Part 1, please consider the following:

1.1 How could, or does, the policy help advance / promote equality of opportunity?

For example, positive measures designed to address disadvantage and reach different communities or protected groups?

The policy promotes equality of opportunity by ensuring Gypsies and Travellers have access to culturally appropriate housing. There is evidence to show that there are currently insufficient Local Authority sites. The policy should increase the number of sites by ensuring needs are properly assessed and can then be planned for, as required under the Housing (Wales) Act 2014. This increase in culturally appropriate accommodation for Gypsies and Travellers will provide them with the opportunity to enjoy further benefits within their local community, and so will help advance equality of opportunity in the long-term also.

The provision of additional sites should reduce the overall number of unauthorised encampments which occur in the long-term. This should bring benefits to community cohesion and help social inclusion.

1.2 How could / does the policy / decision help to eliminate unlawful discrimination, harassment or victimisation?

The increase in Local Authority sites will mean there is less need for unauthorised encampments and correspondingly a reduction in the psychological trauma caused by eviction. It will meet Objective 6 of the Strategic Equality Plan by putting the needs of those with protected characteristics at the heart of service delivery.

A reduction in unauthorised camping should improve long-term community cohesion and support social inclusion and reduce opportunities for discrimination of those without an authorised place to live.

1.3 How could/does the policy impact on advancing / promoting good relations and wider community cohesion?

Gypsies and Travellers will find it easier to integrate into society once they have a settled place to live or an authorised transit pitch to use. Research by the Joseph Rowntree Foundation (1996) found well managed sites do not have the disadvantages for neighbours which had been feared when the site was at a planning stage. There will therefore be increased community cohesion as a result of the policy allowing good relations to develop between Gypsies and Travellers and the settled community.

Other factors such as increased school attendance and better preventative healthcare will also have a positive impact on community cohesion, which will have long-term benefits, assisting in the development of strong future relations and equality of opportunity.

2. Strengthening the policy

2.1 If the policy is likely to have a negative effect ('adverse impact') on any of the protected groups or good relations, what are the reasons for this?

What practical changes/actions could help reduce or remove any negative impacts identified in Part 1?

There are no negative impacts identified in part 1.

2.2 If no action is to be taken to remove or mitigate negative / adverse impact, please justify why.

(Please remember that if you have identified unlawful discrimination (immediate or potential) as a result of the policy, the policy must be changed or revised.)

Not applicable

3. Monitoring, evaluating and reviewing

How will you monitor the impact and effectiveness of the policy?

List details of any follow-up work that will be undertaken in relation to the policy (e.g. consultations, specific monitoring etc).

The guidance will be subject to review in 2018 to ensure the first set of accommodation assessments produced under this guidance are robust. If not, the guidance may need to be changed. The policy of requiring sites to be provided where there is need is to be reviewed in 2021 and this guidance may need to be reviewed again as a consequence.

Officials will continue to monitor any equality impacts which arise as a result of this policy.

The results of all impact assessments where the impact is significant will be published on the Welsh Government's website.

4. Declaration

The policy does have a significant impact upon equality issues

Official completing the EIA
Name:
John Davies
Department:
Fairer Futures Division, Local Government & Communities
Date:
February 2015
Signature:
Head of Division (Sign-off)
Name: Amelia John
Job title and department: Head of Fairer Futures Division
Date: February 2015



Signature:
Review Date:





Children's Rights Impact Assessment (CRIA) Template

Title / Piece of work:	Undertaking Gypsy and Traveller accommodation assessment (GTAA) guidance
Related SF / LF number (if applicable)	SF-LF-0467-15
Name of Official:	John Davies
Department:	Fairer Futures Division, Local Government & Communities
Date:	February 2015
Signature:	

Please complete the CRIA and retain it for your records on iShare. You may be asked to provide this document at a later stage to evidence that you have complied with the duty to have due regard to children's rights e.g. Freedom of Information access requests, monitoring purposes or to inform reporting to the NAFW.

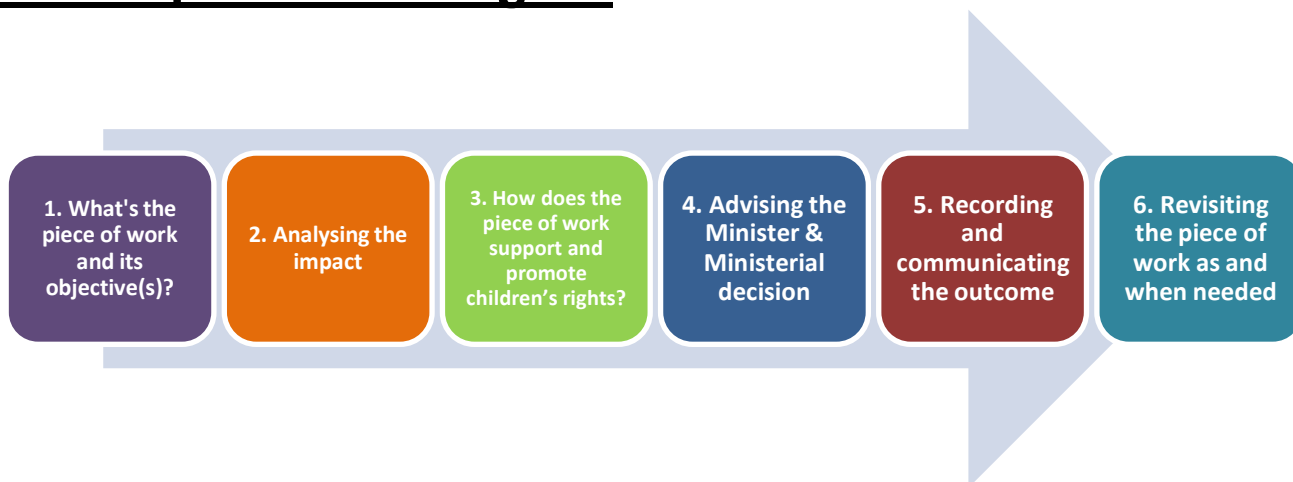
Upon completion you should also forward a copy of the CRIA to the Measure Implementation Team for monitoring purposes using the dedicated mailbox CRIA@wales.gsi.gov.uk

If officials are not sure about whether to complete a CRIA, they should err on the side of caution and seek advice from the Measure Implementation Team by forwarding any questions to our mailbox CRIA@wales.gsi.gov.uk

You may wish to cross-reference with other Impact Assessments undertaken.

NB. All CRIAs undertaken on legislation must be published. All non-legislative CRIAs will be listed on the WG website and must be made available upon request. Ministers are however, encouraged to publish all completed CRIAs.

Six Steps to Due Regard



Step 1. What's the piece of work and its objective(s)?

This CRIA relates to the Welsh Government's guidance on undertaking Gypsy and Traveller Accommodation Assessments (GTAAAs), which local authorities are required to produce under Part 3 of the Housing (Wales) Act 2014.

The guidance is intended for use in assisting local authorities when undertaking GTAAAs. The guidance will be published for consultation for 12 weeks from 1 August 2014 and the final version is expected to be published in January 2015.

If the guidance is adhered to it is expected to have a positive impact on all Gypsies and Travellers, including children and young people. This is because the guidance promotes a better assessment of accommodation needs and will underpin local authority provision of culturally appropriate accommodation in future.

Step 2. Analysing the impact

Current GTAAAs, as required under section 225 of the Housing Act 2004, are often inadequate in their methodology and direct consultation with Gypsies and Travellers. As a result, the accommodation needs of young people and their families are often not properly understood or underestimated. The new system of undertaking GTAAAs will require a more rigid methodology and approval by Welsh Ministers. This should ensure that needs are much better understood and reduce homelessness experienced by young people and their families.

Furthermore, the guidance outlines an expectation that local authorities consider something called the 'Bedroom Standard' when assessing whether current accommodation is overcrowded. This is used in a social housing context but not usually in relation to caravans. The 'Bedroom Standard' makes clear that children over 10 years of age of opposite sexes should not be required to share bedrooms. This should help to ensure that children are given appropriate accommodation.

There does not appear to be any negative impact of this guidance on young people from these communities.

Assessing whether this work has been a success should be fairly straightforward as local authorities must complete their first GTAA within 12 months of commencement of Part 3 of the Housing (Wales) Act 2014

and then submit their GTAA for approval by Welsh Ministers. At this point, the GTAA will be assessed against this guidance to ensure that it complies and that Gypsies and Travellers (including young people) have been adequately consulted. GTAA's will need to demonstrate that they have followed the guidance methodology and calculations of need before they are approved.

In the longer-term, local authorities will be under a duty to provide for the site need identified (and approved) in the GTAA. This will be monitored by the Welsh Government to ensure that communities are accommodated as expected. If this does not happen within reasonable timescales, Welsh Ministers can direct local authorities to provide sites.

Children and young people were directly consulted as part of the consultation process for this guidance. Young people from Save the Children's Travelling Ahead youth forum participated in the consultation through a focus group .

Step 3. How does your piece of work support and promote children's rights?

We believe that this guidance supports the realisation of the rights enshrined in the UNCRC as a whole through better assessment of needs and subsequent provision of sites, which will provide young people with stable and culturally appropriate accommodation within which they can fulfil their potential. However, in terms of specific articles, Articles 8, 12, 27 and 30 are most significant.

Article 8 requires states to respect the right of children to preserve their identity, which should be strengthened by better assessment of accommodation needs and eventual provision of culturally appropriate sites.

Article 12 relates to the right of young people to have their voices heard on decisions that affect them. The consultation process will take account of this by hosting a specific focus group with young people. The guidance itself states researchers should aim to consult with young people directly, however, this must be within the context of the household survey to prevent double-counting. When identifying new sites and designing them, separate consultations with young people are strongly encouraged.

Article 27 relates to the right of children to an adequate standard of living to support healthy development. Children who are currently living in overcrowded conditions, homeless by virtue of living on the roadside or in culturally inappropriate accommodation, could be said to have been denied this right. Better assessment of needs should support an adequate standard of living in future.

Article 30 states children from ethnic minorities should have the right to enjoy their culture. In the context of Gypsies and Travellers, this may relate to their culture of living in mobile homes surrounded by other family members. Proper assessment of accommodation needs will support the realisation of this right.

Step 4. Advising the Minister and Ministerial decision

The Minister for Communities and Tackling Poverty, the Minister for Housing and Regeneration and the First Minister were advised of the need to improve the assessment of Gypsy and Traveller accommodation needs and for those needs to be planned for. This led to the drafting of Part 3 of the Housing (Wales) Act

2014 and the Undertaking Gypsy and Traveller Accommodation Assessments guidance.

The Minister for Communities and Tackling Poverty has been provided with advice, which explains the need for the guidance to follow the proposed methodology.

Ministers were advised that there were no perceived negative impacts on children's rights as a result of this guidance.

Step 5. Recording and communicating the outcome

Final version to be retained on i-share

This Child Rights Impact Assessment (CRIA) is stored on the Welsh Government's record management system (iShare), and published on the Welsh Government website for public access and to assist the National Assembly with its scrutiny role.

The CRIA will be revisited when the accommodation assessments guidance is evaluated in 2018.

Step 6. Revisiting the piece of work as and when needed

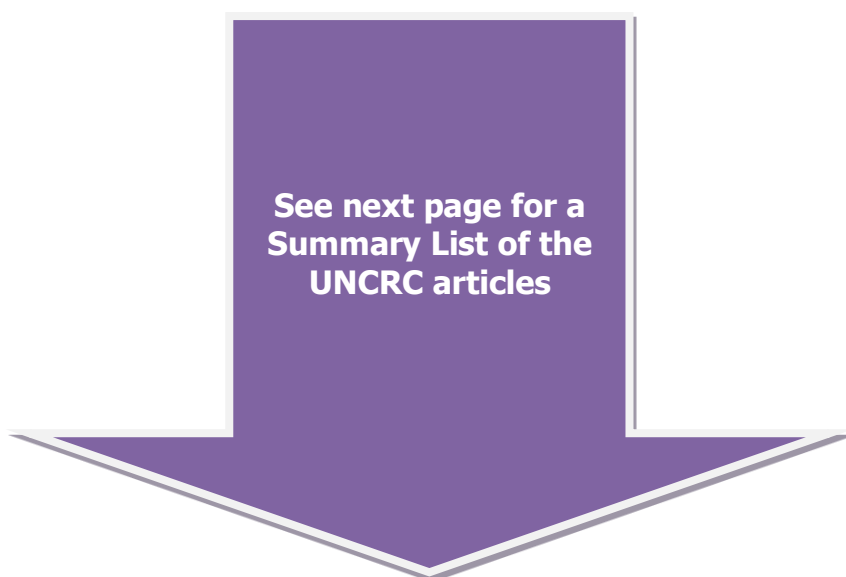
The CRIA will be revisited when the accommodation assessments guidance is evaluated in 2018.

Budgets

<p>As a result of completing the CRIA, has there been any impact on budgets? It is important that where any changes are made to spending plans, including where additional allocations have been made, that this has been assessed and evidenced as part of the CRIA process.</p>	No
<p>Please give any details:</p>	

Monitoring & Review

Do we need to monitor / review the proposal?	Yes
If applicable: set the review date	2018



THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

www.uncrcletsgetitright.co.uk

The United Nations Convention on the Rights of the Child is an international agreement that protects the human rights of the children under the age of 18. On 16 December 1991, the United Kingdom of Great Britain and Northern Ireland formally agreed to make sure that every child in the UK has all the rights as listed in the convention. The Welsh Government has shown its commitment to the convention by adopting it as the basis for policy making for children in Wales.

Altogether there are 54 articles in the convention. Articles 43-54 are about how adults and governments should work together to make sure all children are entitled to their rights. The information contained here is about articles 1-42 which set out how children should be treated.



Llywodraeth Cymru
Welsh Government

www.cymru.gov.uk

Article 1

Everyone under 18 years of age has all the rights in this Convention.

Article 2

The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

Article 3

All organisations concerned with children should work towards what is best for each child.

Article 4

Governments should make these rights available to children.

Article 5

Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6

All children have the right to life. Governments should ensure that children survive and develop healthily.

Article 7

All children have the right to a legally registered name, the right to a nationality and the right to know and, as far as possible, to be cared for by their parents.

Article 8

Governments should respect children's right to a name, a nationality and family ties.

Article 9

Children should not be separated from their parents unless it is for their own good, for example if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

Article 10

Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11

Governments should take steps to stop children being taken out of their own country illegally.

Article 12

Children have the right to say what they think should happen, when adults are making

decisions that affect them, and to have their opinions taken into account.

Article 13

Children have the right to get and to share information as long as the information is not damaging to them or to others.

Article 14

Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

Article 15

Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16

Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.

Article 17

Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.

Article 18

Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19

Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20

Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.

Article 21

When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born or taken to live in another country.

Article 22

Children who come into a country as refugees should have the same rights as children born in that country.

Article 23

Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

Article 24

Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.

Article 25

Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 26

The Government should provide extra money for the children of families in need.

Article 27

Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.

Article 28

Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 29

Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30

Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.

Article 31

All children have a right to relax and play, and to join in a wide range of activities.

Article 32

The Government should protect children from work that is dangerous or might harm their health or their education.

Article 33

The Government should provide ways of protecting children from dangerous drugs.

Article 34

The Government should protect children from sexual abuse.

Article 35

The Government should make sure that children are not abducted or sold.

Article 36

Children should be protected from any activities that could harm their development.

Article 37

Children who break the law should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

Article 38

Governments should not allow children under 15 to join the army. Children in war zones should receive special protection.

Article 39

Children who have been neglected or abused should receive special help to restore their self respect.

Article 40

Children who are accused of breaking the law should receive legal help. Prison sentences for children should only be used for the most serious offences.

Article 41

If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42

The Government should make the Convention known to all parents and children.

For further information on the United Nations Convention on the Rights of the Child please visit: The Welsh Government's UNCRC Website: www.uncrcletsgetitright.co.uk/

Cic - The National Information and Advice Service for Young People www.ciconline.co.uk/news/

