



## Gypsies & Travellers Encampment Process

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**SLT Presentation – June 2019**

Tom Booty  
Dave Lorey  
Wayne Wheatley  
Gerald Thomas

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## Duty of Care


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All Local Authorities have a duty of care to the communities they serve and this includes the Gypsy and Traveller communities. When dealing with unauthorised Gypsy and Traveller encampments, a Local Authority must have due regard to the Equality Act 2010 and the Human Rights Act 1998, ensuring that all decisions taken are reasonable and proportionate having regard to all the circumstances and have due regard to eliminate unlawful discrimination.

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



## Incursion History

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Year	DCC Land	Non-DCC Land	Nights
2014	5	4	44
2015	6	0	16
2016	12	3	89
2017	3	12	no accurate data
2018	9	7	48

Note number of nights figure is an estimate – accurate information generally not available for incursions on non-DCC land

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## Process

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Prior to considering legal action to evict, the Local Authority has an obligation to establish any welfare requirements of the unauthorised occupiers. This is undertaken via an initial visit to determine the anticipated length of stay and assess whether there are any obvious welfare concerns.

This welfare check is currently undertaken by the Education Social Work Team Leader – Wayne Wheatley – accompanied by Valuation & Estates Team Manager – Gerald Thomas.

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

## Process


On the basis that no welfare issues are reported, a Section 77 Notice under the Criminal Justice and Public Order Act 1994 is served – usually by Valuation & Estates Team Manager – but more recently sometimes by Bailiffs commissioned by Estates Team.

Costs associated with dealing with incursions are met by the department who holds the asset where the incursion has occurred – e.g. Education meet the costs if the incursion is on school land. This does not always happen.

Local Members, residents and police kept informed.

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## Issues – Welfare Checks

- DCC Officers involved in undertaking welfare checks at risk in a potential conflict scenario;
- Undertaking such welfare checks are not specifically detailed in officers' JD's;
- Currently have potential single point of failure, as this function is undertaken currently by one officer – Wayne Wheatley;
- Current assessment is narrow in scope – looking at child educational issues – rather than more holistic consideration (e.g. vulnerable adults, possible modern slavery concerns, etc.);
- No clear assessment process or welfare “threshold” .

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

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## Issues – Serving Notice

- DCC Officers involved in serving notice at risk in a potential conflict scenario;
- Risk Assessment in place but no specific training or equipment provided;
- Undertaking this task is not specifically detailed in officers' JD's;
- Currently have potential single point of failure, as this function is undertaken currently by one officer – Gerald Thomas;
- Dealing with incursions and serving notice is very disruptive and time consuming.

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## Recommendation 1

Review welfare assessment process, including:

- Who needs to be involved in the process in addition to current officer (Community Support Services, Health?);
- Ensure process is robust and will function if some officers are unavailable (i.e. address single point of failure issue);
- Develop clear assessment criteria and threshold, and reporting process for this;
- Ensure Risk Assessments and safe systems of working are in place.

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## Recommendation 2


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Separate the welfare assessment process from the serving notice process, as this will:

- Reduce risk of conflict – officers attending are there solely to assess welfare issues and are not accompanied by others involved in serving notice;
- Provide better opportunity to assess a broader range of welfare issues (as per recommendation 1)

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## Recommendation 3



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Where appropriate, commission bailiffs to serve notice and deal with all subsequent documentation and court appearances, rather than use DCC officers, as this will:

- Reduce risk to DCC staff (who are not properly trained or equipped) and put it in the hands of those who are trained to deal with these situations and are better equipped to do so (e.g. they have body cameras);
- Be less disruptive to work programmes and day to day business

Note an officer judgement will be required to determine whether to use bailiffs.

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## Recommendation 4



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Establish a corporate budget to deal with costs associated with incursions, in order to:

- Easily assess and report corporately on the cost of dealing with incursions
- Reducing officer time chasing up colleagues to get a cost code
- Make it easier and more efficient to respond to FOI's relating to incursions

Costs to include V & E time, provision of welfare facilities (toilets, bins, etc.), clean-up BUT NOT subsequent security improvements to prevent future incursions.

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