

BRIEFING: Part 4 of the Police, Crime and Sentencing Bill

JUNE 2021

Top Lines:

1. Part 4 of the Police, Crime and Sentencing Bill further discriminates against the GRT (Gypsy, Roma Traveller) community, and should be removed from the Bill.
2. We are calling on the Welsh Government to move forward with the Legislative Consent Memorandum which sets out their opposition to parts of the Bill that impact on devolved matters including Part 4.
3. We urge the Welsh Government to ensure local authorities meet their statutory duty to provide sufficient residential site provision with quality transit sites and stopping places.

Part 4 of the Police, Crime and Sentencing Bill:

The proposals include making ‘trespass with intent to reside’ a criminal offence and give authorities extra powers to seize vehicles – which in many cases are family homes or essential for work purposes – as well as impose fines and imprisonment.

The outcome of these measures will be a likely increase in homelessness, poverty, and involvement of social services. More Gypsies and Travellers will also be pushed into the criminal justice system, where they are already over-represented.

The Gypsy, Roma and Traveller Social Work (GRTSW) Association – along with community members, NGOs which advocate for the diverse Romani and Traveller communities in the UK, and human rights organisations – are opposing Part 4 of this Bill and are asking for it to be removed from the proposed legislation.

Wales and the Police, Crime and Sentencing Bill:

The proposals cut across and conflict with the legislative and policy framework and direction of the Welsh Government and its devolved powers and responsibilities. It is likely to give rise to constitutional legislative issues and /or challenges unless modified. If not, then legal challenges in Wales might render the Bill unworkable, not just in Wales, but across England as well.

Impact of Part 4 on the GRT Community:

Gypsy, Roma and Traveller communities have a distinct nomadic culture and way of life. The best way that local authorities can address any conflict that may arise is by addressing the shortfall of site provision. Legal, clearly designated sites mean that local authorities can more easily ensure that permanent residents and people from the GRT community staying in the area can live harmoniously.

We believe that under current human right protections (including children’s rights) the right to family life and to enjoy and practice culture and traditions of minority groups, should be not just *respected* but *facilitated* as part of a diverse Wales and United Kingdom

The punitive nature of this Bill which will undoubtedly criminalise people specifically from these two ethnic groups is discriminatory and a clear breach of the Equality Act 2010 and does not address the real needs of

the communities i.e., provision of sufficient and quality accommodation and stopping places both permanent and transit to support and facilitate nomadic traditions.

Part 4 as currently drafted, could result in families with no other legal place available to park their vehicle(s) resulting in homes and possessions being seized, rendering them not only homeless but without any of their domestic facilities, transport, or employment resources. 'Families' include children, elders and otherwise vulnerable people - increasing risk and vulnerability to communities facing already well documented inequalities, driving families into poverty and presenting social care agencies with increased demand at a time of unprecedented need with an under-resourced social care system.

Increased discrimination and hostility towards Gypsy and Traveller communities – negative media, increase in hate crime and a loss of opportunity to enhance cohesive communities and embrace diversity in what should be an inclusive society, not a divisive one.

Sufficient police powers already exist to respond to any encampments that genuinely cause disturbance and damage – indeed the majority of police forces across England and Wales said as much in their responses to the pre-legislative consultations and do not support these new powers - nevertheless the government has chosen this route.

Amendments to the Bill:

We are urging Westminster parliamentarians to support and vote in favour if they are put to a vote:

Amendments 8-21

New Clause 102 which seeks to put the statutory duty to provide pitches back into the Caravan Act (England only).

Allison Hulmes, BASW Cymru National Director and co-founder of GRTSW Association, said:

“As a Welsh Romani, being able to lead a nomadic life - as my ancestors have done before me - is deeply rooted in the psyche and inherited consciousness of my family and all Romani and Traveller people.

“These proposals are a direct attack on Gypsy, Roma and Traveller communities across the country. As social workers, we must stand up to racism and oppose any moves by the state to criminalise a way of life that has existed for over a thousand years.”

About BASW:

The British Association of Social Workers is the independent professional membership organisation for social work, with more than 23,000 members. With more than 100,000 social workers in the UK, they reside and work in every constituency in the UK.

If you would like to meet with BASW to discuss this issue further or would like more information, please get in touch and we would be happy to help.

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