



HISTORIC SCOTLAND  
ALBA AOSMHOR

# Equality Impact Assessment Record

## Scheduling sites and monuments of national importance

18 June 2015

## Equality Impact Assessment Record

<b>Title of policy/ practice/ strategy/ legislation etc.</b>	Scheduling sites and monuments of national importance
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<b>Directorate / Division:</b>	Historic Scotland, Heritage Management
<b>Is this new policy or revision to an existing policy?</b>	Review of existing policy and practice – ‘Scheduling process’

### Background and what prompted this EqIA

Equalities Impact Assessment (EqIA) is a process to help consider how our activities, functions, services or processes may impact, either positively or negatively, on different sectors of the population in different ways.

This assessment has been prompted by a petition under consideration by a Scottish Parliamentary Committee: *PE01523 – Give the Tinkers' Heart of Argyll back to the Travelling People*. One of the issues arising as part of the petition process is the way in which sites and monuments come to be designated as being of national importance – known as ‘Scheduled Monuments’. The monument under consideration by the committee, called Tinkers’ Heart, is associated with the Gypsy/Traveller community. We have also taken this opportunity to review our designation process more generally, as part of our transition to Historic Environment Scotland.

### What Gypsy/Traveller means

Scottish Gypsy/Traveller is the term used by the Scottish Government to refer to an indigenous, nomadic ethnic minority whose history has been entwined with, but distinct from, that of the wider Scottish population for many centuries. This term is not necessarily adopted by the travelling community itself. However, using the term ‘Gypsy/Traveller’ in this context acknowledges that Gypsy/Travellers are not a single group. For example, it refers to Scottish Gypsy/Travellers, Irish Gypsy/Travellers, English Gypsy/Travellers and Roma. Although there are cultural similarities between these groups, including a history of travelling, they are all different. These ethnic groups do not include occupational or new age travellers, such as showpeople. Those outwith the Gypsy/Traveller community are often referred to as the ‘settled community’.

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## Introduction

### What is a scheduled monument?

A scheduled monument is a site of national importance that Scottish Ministers have given legal protection to under the Ancient Monuments and Archaeological Areas Act 1979. 'Monuments' are defined very broadly in the Act as:

- a. any building, structure or work, whether above or below the surface of the land, and any cave or excavation;
- b. any site comprising the remains of any such building, structure or work or of any cave or excavation; and
- c. any site comprising, or comprising the remains of, any vehicle, vessel, aircraft or other moveable structure or part thereof which neither constitutes nor forms part of any work which is a monument as defined within paragraph (a) above.

The definition of 'remains' includes any trace or sign of the previous existence of the entity in question. The legislation allows for an 'ancient monument' to be 'of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.' Examples of such monuments include prehistoric burial mounds, Roman camps, and World War II defensive sites. On 31 March 2015 there were 8194 scheduled monuments in Scotland<sup>1</sup>.

### Aim of the scheduling process

The aim of scheduling is to preserve sites and monuments of national importance as far as possible in the form in which they have come down to us today. The process by which monuments are designated is called 'scheduling'. The protection of sites and monuments of national importance contributes to a range of Scotland's National Outcomes<sup>2</sup>, particularly our ability to '*value and enjoy our built and natural environment and protect it and enhance it for future generations*'.

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<sup>1</sup> Historic Scotland Data Service (<http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:10:0>) [accessed 31/03/2015]

<sup>2</sup> Scottish Government National Outcomes ([www.scotland.gov.uk/About/Performance/scotPerforms/outcomes](http://www.scotland.gov.uk/About/Performance/scotPerforms/outcomes)) [accessed 25/02/2015]

## Benefits of the scheduling process

The main purpose of scheduling is to identify, recognise and preserve nationally important monuments, as far as possible in the form in which they have come down to us, for the benefit of current and future generations. The preservation of sites and the activities associated with scheduling can lead to a range of other benefits, including the investigation and discovery of new information about our past. Scheduling also recognises and can highlight to current and future generations the importance of a site, monument or place. In doing so, scheduling can be a 'springboard' for beneficial education and research activities. Overall, we expect scheduling to have long term positive benefits both for the monument and for all involved: raising public awareness of important aspects of our heritage and helping to ensure that our most important monuments survive into the future.

It is important to recognise, however, that scheduling is not the sole means of achieving such benefits. Indeed, the vast majority of historic environment assets in Scotland (comprising around 285,000 unique records<sup>3</sup>) are valued, researched and recognised despite not having been designated as nationally important.

## What might prevent the desired outcomes being achieved?

The scheduling process can encourage collaborative working between a range of bodies, groups and individuals to look after monuments. For example, once scheduled, Historic Environment Scotland might provide grant support and consent for conservation works to a scheduled monument by an amenity group with encouragement from the landowner. A lack of such collaborative working or not making effective use of the skills, experience and resources of all parties to look after scheduled monuments would be a key barrier to the delivery of the aims underpinning the scheduling process. The same barriers can however also apply to monuments that are not scheduled.

## Who does scheduling affect?

People affected are those who own, occupy or manage sites and monuments which are scheduled, and people who benefit from, or have an interest in, the protection and management of such assets. These people might be grouped in various ways,

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<sup>3</sup> Approximately 93% of records held on Canmore (308,000 in March 2014)  
([www.historic-scotland.gov.uk/shear-2014-main-report.pdf](http://www.historic-scotland.gov.uk/shear-2014-main-report.pdf)) [accessed 31/03/2015]

but will typically include landowners, occupiers, tenants, local authorities, business groups, heritage professionals and enthusiasts, and the wider public. These same people can be defined as the services users (or our customers<sup>4</sup>), although those with most direct involvement and interaction with the process of adding sites and monuments to the schedule tend to be landowners, occupiers and managers.

### Who decides what is scheduled?

Historic Scotland deals directly with all matters concerning the designation of scheduled monuments. Although this is done on behalf of Scottish Ministers, the final decision on what is scheduled rests with Historic Scotland. In considering sites and monuments for scheduling, we take account of a wide range of factors, including artistic, archaeological, architectural, historic, traditional, aesthetic, scientific and social evidence before reaching a view. This is explained in more detail in the *Scottish Historic Environment Policy*<sup>5</sup>.

### How are sites selected for scheduling?

In the past, most schedulings have taken place as part of a rolling programme focussing on those parts of Scotland and types of monument that appear to be under-represented in the Schedule and/or are expected to experience development pressure in the future. This programme has a thematic element, with particular types of monument targeted (e.g. 20<sup>th</sup>-century Defence of Britain monuments). However, we have been scheduling monuments in Scotland for over 100 years and many older schedulings are not fit for purpose today. In recent years, therefore, our focus has been on improving the quality of the Schedule<sup>6</sup> (mainly by rescheduling monuments), which means that a relatively small number of monuments are being added to the Schedule for the first time each year.

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<sup>4</sup> Customers in this context can be defined as any person or organisation who make use of, benefit from or interact with the services provided by Historic Scotland.

<sup>5</sup> *The Scottish Historic Environment Policy* ([www.historic-scotland.gov.uk/index/heritage/policy/shep.htm](http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm)) [accessed 23/03/2015]

<sup>6</sup> For the period 2011-2015, Historic Scotland's priorities for scheduling are to improve the quality of the existing Schedule. This involves a significant change of direction for the scheduling programme – away from adding monuments to the Schedule in favour of a programme of updating and amending scheduling documentation and maps, including, where necessary, re-scheduling or de-scheduling monuments. A small number of high priority sites will continue to be considered for scheduling for the first time.

Anyone can nominate a monument or archaeological site<sup>7</sup> to be scheduled using a form on our website. It is also open to anyone to request an amendment to an existing scheduled monument, a review of its documentation, or for it to be removed from the schedule altogether (descheduled).

### Who looks after scheduled monuments?

Anyone can play a role in caring for and protecting monuments, but society relies particularly on the goodwill of the land-owning and land-using community to look after heritage assets<sup>8</sup>. Indeed, the majority of monuments survive in reasonable condition – as they have done in some cases for thousands of years – because of the interest and care of land owners, managers and users. Land owners and managers are encouraged by Historic Scotland and other regulatory and advisory bodies to support positive management activities (this might include activities such as protection from rabbit burrowing or clearance of harmful vegetation). Historic Scotland publishes guidance and advice on managing archaeological sites and monuments, which is available via our website and in hard copy<sup>9</sup>.

Scheduling does not place a duty on land owners to maintain monuments, but once a monument is scheduled, it becomes an offence to carry out, without the prior written consent of the Scottish Ministers, any works that might adversely affect the monument. This consenting process is known as Scheduled Monument Consent (SMC). Works are defined as anything which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up a monument or any part of it: this definition includes works of repair or enhancement, in order to avoid any inadvertent damage.

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<sup>7</sup> An archaeological site is a place (or group of physical sites) in which evidence of past activity is preserved (either prehistoric or historic or contemporary), and which has been, or may be, investigated using the discipline of archaeology and represents a part of the archaeological record.

<sup>8</sup> A heritage asset is an item that has value because of its contribution to a nation's society, knowledge and/or culture. They are usually physical **assets**, but some countries also use the term in relation to intangible social and spiritual inheritance.

<sup>9</sup> *Scheduled Monuments: A guide for owners, occupiers and managers* ([www.historic-scotland.gov.uk/scheduled-monuments.pdf](http://www.historic-scotland.gov.uk/scheduled-monuments.pdf)) [accessed 23/03/2015]

## Screening

*(Screening is about deciding whether an Equalities Impact Assessment should be undertaken)*

Our screening exercise considered the impact of the scheduling process on people who share protected characteristics with respect to age, disability, sex, gender identity, sexual orientation, race, ethnicity, religion or belief. A monument, known as the Tinkers' Heart, was considered for scheduling in November 2012 and a decision was taken by Historic Scotland that it did not meet the criteria for national importance<sup>10</sup>. Historic Scotland was subsequently asked whether the protected characteristics defined within the *Equality Act 2010* – specifically those relating to Race<sup>11</sup> (Gypsy/Traveller Community) – had informed the decision making process regarding the proposed designation of Tinkers' Heart as a monument of national importance.

There had not been an EqlA of that specific decision. In general, such assessments are most often undertaken during the development of new or existing plans, policies or strategies, or where there is a proposed change to an existing service or process. The scheduling process has been in operation for many years and has therefore not been subject to an EqlA (new duties were introduced in May 2012<sup>12</sup>). As such, there has been no active process to consider the potential impacts of its operation in respect to the protected characteristics in the equality legislation. There may also be lessons to be learned for other heritage designation processes (these could include Listing, and inclusion in the Inventories of Gardens/Designed Landscapes and Battlefields).

## Screening conclusion

In light of the matters noted above we have taken the view that there is merit in assessing the potential for direct and indirect discrimination to occur as part of the scheduling process. We decided to set aside our original decision regarding Tinkers' Heart and to undertake an EqlA of the scheduling process as part of our reconsideration of that case. The findings of this EqlA will subsequently be used to inform the next review of the scheduling criteria as laid out in SHEP and Historic Scotland's designation

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<sup>10</sup> Outlined in Historic Scotland's letter of 3 November 2014 to the Scottish Parliament Public Petitions Committee ([www.scottish.parliament.uk/S4\\_PublicPetitionsCommittee/General%20Documents/PE1523\\_B\\_Historic\\_Scotland\\_03.11.14.pdf](http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/General%20Documents/PE1523_B_Historic_Scotland_03.11.14.pdf)) [accessed 25/02/2015]

<sup>11</sup> This protected characteristic refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

<sup>12</sup> [www.legislation.gov.uk/ssi/2012/162/regulation/5/made](http://www.legislation.gov.uk/ssi/2012/162/regulation/5/made) [accessed 25/02/2015]



work as a whole. This EqIA will also be used to inform future assessments undertaken in the support of our transition to the new lead body for the historic environment, Historic Environment Scotland<sup>13</sup>.

## Framing the assessment

*(Framing is about establishing what issues to consider as part of an Equalities Impact Assessment)*

Our framing exercise has drawn upon a range of national statistical data, such as the Census and Scottish Household Survey, as well as the evidence provided as part of the Parliamentary petition process [[PET 01523](#)<sup>14</sup>], the Scottish Government's Equality Outcomes and Mainstreaming Report<sup>15</sup> and its underlying data, as well as the emerging Scottish Government Gypsy/Traveller Strategy<sup>16</sup>. A summary of the evidence base is provided at [Annex A](#). The framing exercise has also involved reviewing the scheduling process, both in terms of the legislative requirements, and operational policy (published guidance) and its application.

## Overview and context

The first step of the framing exercise considered the results of the screening exercise and identified any existing evidence about how the scheduling process currently operates. We then went on to consider this in relation to the potential impacts upon people who share protected characteristics.

We found some difficulties in gauging the full range of impacts that the scheduling process has on people who share protected characteristics, as we do not routinely collect information on the characteristics of those using our services. We hope that gathering such information in the future will provide an opportunity to better understand potential impact on people sharing protected characteristics during future reviews of our procedures. For example, such data could be obtained by gathering information on the protected characteristics of users from close working with equalities groups, as well as through stakeholder

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<sup>13</sup> The merging of Historic Scotland and the Royal Commission on Ancient and Historical Monuments of Scotland is planned to take place on 1<sup>st</sup> October 2015. This will result in the creation of 'Historic Environment Scotland'.

<sup>14</sup> [www.scottish.parliament.uk/GettingInvolved/Petitions/PftraE01523](http://www.scottish.parliament.uk/GettingInvolved/Petitions/PftraE01523) [accessed 25/02/2015]

<sup>15</sup> [www.scotland.gov.uk/Publications/2013/04/2397](http://www.scotland.gov.uk/Publications/2013/04/2397) [accessed 25/02/2015]

<sup>16</sup> [www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers](http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers) [accessed 25/02/2015]

workshops and online surveys. Some of this information gathering and analysis has happened as part of this EqlA process, but ultimately this will be a long-term and on-going part of the new organisation's strategy for engaging with the public.

An operational commitment to consult with owners and occupiers of monuments being considered for scheduling has been in place for several years and the general approach to how scheduling is conducted is not expected to change significantly. However, some changes to the scheduling process will be introduced shortly, with the introduction of a right of appeal against designation. This EqlA therefore progresses in the knowledge that operational procedures for scheduling (as with other services) will soon be reviewed as part of the creation of Historic Environment Scotland and any equalities issues can be considered as part of this transition process.

### **Framing exercise – assessment scope**

***(Scoping is about establishing what we will assess and the methodology we will use)***

Our framing exercise considered the potential for both the decision making framework and its application to raise equality issues. The conclusion was that, in order to ensure that no direct or indirect discrimination forms part of the reassessment of this particular decision, both the decision making framework and its application should be considered. However, the framing exercise also identified the need to have a sequential approach. As such, we decided to first look at the framework within which the scheduling of monuments occurs (the policy/criteria), followed by the application of that framework in practice. The final stage involved applying the findings of the assessment in tandem with a fresh appraisal of Tinkers' Heart.

Our framing exercise also considered which protected characteristics were of most relevance to the scheduling process and concluded that we would initially assess interactions with all groups, but in view of the specific circumstances of the Tinkers' Heart case, focus upon Race and Ethnicity (Gypsy/Traveller). This is reflected in the methodology outlined below.

## Extent/Level of EqIA required

The scope of the assessment was defined as:

**Stage 1: the policy framework for the scheduling of monuments**

**Stage 2: the application of the scheduling process**

**Stage 3: the Tinkers' Heart case**

### Stage 1

This stage required consideration of the scheduling criteria and policy framework<sup>17</sup>. The scheduling framework was first considered against a range of equality questions. In doing so, this part of the assessment considered the decision making framework as a whole in relation to all protected characteristics. This stage drew upon existing data and other EqIAs undertaken by Historic Scotland/The Scottish Government and public bodies fulfilling similar functions. A matrix was also used to systematically consider the scheduling process against all protected characteristics ([Annex B](#)).

### Stage 2

Our assessment went on to consider how the scheduling process operates in practice by comparing our interpretation of the criteria against the interests of people who share protected characteristics.

### Stage 3

Finally, the assessment considered evidence gathered as part of the Tinkers' Heart case, the findings of which went on to inform of the decision of whether it should be designated as a scheduled monument.

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<sup>17</sup> As set out in Chapter 2 of *Scottish Historic Environment Policy* and associated Annex 1.

## 1. The policy framework for the scheduling of monuments

*(This section outlines a series of equality related questions relating to the overarching policy for scheduling)*

The following questions consider the potential impacts of the policy framework for the scheduling of monuments, and should be read in conjunction with the matrix provided at [Annex B](#).

### 1.1 Does the scheduling process have consequences for people?

People most affected by the scheduling process are all those who interact, whether voluntarily or involuntarily, with the designation of monuments and where relevant, their subsequent management or investigation. For example, people might be affected because they own or manage monuments which are scheduled, or because they benefit from, or have an interest in, the protection and management of them. These people might be grouped in various ways, but will typically include landowners, occupiers, tenants, local authorities, business groups, heritage professionals and enthusiasts, and the public.

Scheduling does not impose a legal obligation to undertake any additional management of the monument. However, once scheduled, works to a monument do require the consent of Scottish Ministers in advance. This process is called Scheduled Monument Consent and is administered by Historic Scotland. The justification for granting consent for works to a monument are typically those which would be the minimum necessary in order to ensure its future survival. Scheduling also brings a site or monument into the planning system as a specific consideration where development may affect either the monument or its setting<sup>18</sup>. In light of this, Local Authorities, as well as other organisations, play a role in protecting scheduled monuments through the planning system.

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<sup>18</sup> Setting may be related to the function or use of a place, site of building, or how it was intended to fit into the landscape of townscape. It can include the view from it or how it is seen from areas round about, or areas that are important to its protection.

## 1.2 Does the scheduling process differ for particular groups, because they have particular needs, experiences or priorities?

For the most part, the scheduling process and application of the policy is a standard procedure. While there are general classifications of monument (e.g. funerary, ritual, military, settlement), each is unique and what happens in practice for each scheduling assessment might vary slightly depending on the particular circumstances. For example, in some cases it might be difficult to identify a landowner, gather evidence about a particular site, or determine an appropriate boundary (for example, if there is uncertainty around the extent of the remains or the level of preservation below ground). However, any change in process would be driven by the nature of the site itself, not the needs, experiences or priorities that may be attached to that site by particular groups of people.

Scheduling assessments regularly involve site meetings with owners or occupiers. Some scheduling proposals may involve engagement and outreach events with interested parties, including community groups and local people. This is particularly the case for thematic scheduling projects – where a discreet geographical area or range of sites is targeted. In those circumstances we might implement a programme of outreach, for example, holding public events to talk about the objectives of the scheduling process and what we are seeking to achieve.

The overall scheduling programme may also take a different approach in different areas or where it is being undertaken in an area for a specific reason – for example, areas where archaeology is considered to be under threat from natural processes (e.g. coastal erosion) or likely to be affected by future developments (e.g. transport corridors and new settlements). However, the actual process for considering specific sites and monuments for scheduling generally remains the same with no differences relating to sites associated with particular groups of people, including those who share protected characteristics.

### 1.3 Is there any reason to believe that different groups of people could be affected differently by the process, for example in terms of access to information, or the ability to take advantage of opportunities?

For many years, Historic Scotland has published information (online, leaflets, written guidance) and taken steps to increase awareness about the scheduling process and heritage management more generally. In reviewing this information and the data held by those making use of it, there is little evidence in Scotland on whether different groups of people are more or less likely to be aware of the scheduling process (and how they might take advantage of the process for whatever reason). Anecdotal evidence would suggest that the majority of the population (beyond owners of scheduled monuments and the historic environment sector) are unlikely to know much about the scheduling process, including its purpose and the procedures around requesting new sites to be designated. Information gained during our consultation on Tinkers' Heart, and in speaking to equality groups, would support this view. However, given the larger number of historic structures that are designated as listed buildings, it is reasonable to expect that concept of heritage designation at a general level is better understood by the public.

#### 1.3.1 Perceptions of designation

English Heritage, who operate a broadly comparable scheduling process to ours, has undertaken some research into people's perception of heritage designation. Their study, which was undertaken in 2009 (*Heritage Protection Designation – Public Attitudes*<sup>19</sup>) highlighted a range of issues relating to how designation of heritage sites is perceived by the public. The research objectives were to:

- Gauge public interest in heritage protection
- Establish whether those not directly involved had views on what should be prioritised for designation (compared with those from the 'profession')
- Assess whether emerging thematic designation priorities reflected wider public interest
- Identify methods of stimulating public engagement with designation

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<sup>19</sup> *Heritage Protection Designation – Public Attitudes* ([www.english-heritage.org.uk/content/imported-docs/a-e/bdrc-survey-2009.pdf](http://www.english-heritage.org.uk/content/imported-docs/a-e/bdrc-survey-2009.pdf)) [accessed 13/03/2015]

The study presented the following conclusions:

- There is strong evidence that the public support the need to identify and protect sites and monuments and recognise the value of the historic environment for society
- Most people recognise that the 'authorities' value our history and protect it well – the public are generally happy to trust them to do their job. However there was limited awareness of the organisations responsible for protecting historic environment [who they are and what they do]
- Members of the public would take the opportunity to provide an opinion should the authorities deem this of value
- Black Minority and Ethnic communities are most likely to request opportunity to provide an opinion on designation priorities
- Association with mass media was highlighted as key method of engaging the public for example via national opinion polls to save heritage assets
- Most people are generally comfortable with a themed approach to designation – limited suggestions were made for alternatives
- A wide range of factors can contribute towards prioritisation of themes (including public recognition of diversity)
- Generally high support and trust in public organisations to prioritise on the public's behalf
- A key trend in the prioritisation process was socio-economic grade – Upper, middle and lower middle classes more likely to consider national/regional importance as a whole, whereas Skilled, Working and non-Working people are more likely to base their prioritisation upon their own personal interaction with heritage; and
- Themes which are presented overtly as 'modern' tended to be seen as the lowest priorities overall.

### 1.3.2 Access to the historic environment (attendance and engagement)

In relation to participation in the historic environment more generally, *The Scottish Household Survey topic report on Cultural Heritage*<sup>20</sup> (2013) indicated that:

- The percentage of adults in Scotland who engaged in culture was around nine in ten (91 per cent)
- In 2013, four in five adults (80 per cent) attended a cultural event or place of culture in the last 12 months. (When excluding cinema, the attendance figure falls to 72 per cent in 2013)
- Attendance at historical or archaeological places in last 12 months was 28 per cent

The most common reason for not attending cultural events or places was ‘not really interested’. Just over a third of non-attenders (34 per cent) stated this as a reason for not attending. The next most common reasons were ‘health isn’t good enough’ (at just under a third, 28 per cent), followed by ‘it costs too much’ (16 per cent), and ‘It’s difficult to find the time’ (15 per cent).

### 1.3.3 Attitudes to cultural heritage

In 2013, when asked whether ‘Culture and the arts make a positive difference to my local area’, 54 per cent of adults strongly or tend to agree, and seventeen per cent of adults strongly or tended to disagree.

Fifty-seven per cent of adults strongly agreed or tended to agree that ‘There are lots of opportunities to get involved in culture and the arts if I want’. While 16 per cent of adults strongly disagreed or tended to disagree with this statement. Fifty-eight per cent of adults strongly disagreed or tended to disagree that ‘Culture and the arts are not really for people like me’. Eighty nine per cent of adults strongly agreed or tended to agree that ‘It is important to me that heritage buildings and places (important buildings, sites and monuments) are well looked after’. Seventy-two per cent of adults strongly agreed or tended to agree that ‘The heritage of my local area (important buildings, sites and monuments) is well looked after’.

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<sup>20</sup> *Scottish Household Survey* ([www.gov.scot/Publications/2015/01/2156/downloads](http://www.gov.scot/Publications/2015/01/2156/downloads)) [accessed 27/02/2015]



The Scottish Household Survey, although identifying trends for equalities groups regarding participation and engagement, does not provide any statistically significant information regarding heritage protection – beyond the question relating to whether it is important that the historic environment is looked after.

#### 1.3.4 Equality issues across the historic environment sector

More recent research into perceptions of equalities groups in Scotland, gathered as part of the preparation of *Our Place in Time: The Historic Environment Strategy for Scotland*<sup>21</sup>, found that there can be variation in what groups associate with the historic environment. This research also identified a range of barriers to general participation across a range of services. A summary of the information gathered from equalities groups<sup>22</sup> as part of this research is provided below:

- **Issue:** *Gatekeeping and access (visiting historic sites in Scotland)*

Some participants identified issues around access – both physical and intellectual – to historic sites in Scotland, as well as connected issues around engagement and enabling engagement with the historic environment for some groups. There was a general feeling amongst equalities groups that heritage and the historic environment is ‘not for them’ – that they feel they do not belong, or are not considered to belong by others. Some said that visiting historic attractions can make local people feel like a tourist due to a disconnect caused by a focus on ancestry (perhaps indicating a need to step away from reference to ‘our ancestors’ to emphasise that heritage belongs to everyone). It was also commented that sites, both those designated & presented are often seen to reflect privilege. Finally, it was also noted that employees (at staffed heritage attractions) are mostly white and Scottish: employment of more people from ethnic backgrounds and providing more training for staff regarding ethnic communities visiting historic sites would be seen as helpful in promoting a more inclusive message.

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<sup>21</sup> *Our Place In Time: The Historic Environment Strategy for Scotland* ([www.gov.scot/Publications/2014/03/8522](http://www.gov.scot/Publications/2014/03/8522)) [accessed 16/03/2015]

<sup>22</sup> Attendees at the workshop included representatives from: Black Environment Network (BEN), Coalition for Racial Equality and Rights (CRER), Interfaith Scotland, LGBT Youth, Scottish Disability Equality Forum (SDEF) and West of Scotland Regional Equality Council (WSSREC).

- **Issue: Disconnect from mainstream (connection to heritage)**  
Some communities express their heritage separately from the mainstream heritage story and referred to good projects which are not linked to the bigger (national) picture. Participants indicated that it is important that individual communities' heritage is built into the wider picture and helps to show how they have contributed to shaping our present. It was also noted that different ethnic groups should be encouraged to engage with each other.
- **Issue: Language (accessibility and perception)**  
Language can be key in promoting inclusivity – participants noted appreciation for the term “the people of/in Scotland”, not “Scots people” as it is inclusive of all communities.
- **Issue: Confidence to access and awareness of opportunities**  
Particularly for people with disabilities, being able to view venues online in advance of visiting to identify whether there would be any access issues would be helpful. Other groups identified that confidence to engage is an important factor for minority groups – to encourage a view that history is relevant to all communities and that we value them and their contribution. Similarly, it was identified that there is a lack of awareness, particularly amongst some minority communities, of the opportunities available to engage with heritage and the historic environment.

Overall, evidence gathered from these research exercises indicates that there can be both positive and negative impacts arising from how Historic Scotland seeks the views of communities that might not otherwise be involved in the scheduling process. At both a strategic and operational level there is a great deal of information provided by Historic Scotland about the designation processes, and other functions fulfilled as part of heritage protection. However, there is a need to review this information in light of the issues raised above to ensure that communities, local groups and individuals can be included in the assessment of value and significance. This will allow us to balance the continuing need for expert assessment with local perceptions of value. It is also important to recognise that information about heritage sites will not always be readily available to those in the profession and the need for wider views should be considered in some cases. Indeed, with increased participation a key priority

within the recently published historic environment strategy for Scotland<sup>23</sup>, Historic Scotland has an obligation to do all it can to extend the reach of its services wherever possible. As a first step this would involve consideration of how the public, including those who share protected characteristics, can be more involved.

### 1.3.5 Gypsy/Travellers and the historic environment

As part of the consultation exercise for whether Tinkers' Heart should be scheduled, information was gathered from the Gypsy/Travelling community and other members of the public, local authorities, archaeologists, local community councils and equality groups. We also asked members of the Gypsy/Traveller community about their perceptions of cultural heritage and how monuments are recognised by the government (and others). In most cases we were speaking to those who identified themselves as part of the Scottish Traveller community. In addition to information gathered during the public consultation on Tinkers' Heart, we also reviewed the representations made as part of the Parliamentary petition process and associated campaign.

A key message arising from this evidence was a clear sense of pride in Scottish Traveller culture and disappointment – and in some cases frustration – in how little is known by settled communities about their way of life. People spoke of how this feeling of disappointment is compounded by the unfair and inaccurate portrayals of Gypsy/Travellers by the media, as well as the challenges and barriers they face in accessing services and participating in society in ways that most people take for granted. Many of these issues have recently been examined by Scottish Parliamentary Committees. For context, a summary of the key challenges facing the Gypsy/Traveller community is included at [Annex C](#).

Those we spoke to also told us about the sense of loss associated with what was described as 'abandoning their traditional way of life'. It was highlighted that their story is rarely told in schools or in other educational contexts. This sense of loss was echoed by equality groups who we consulted. While it was acknowledged that a great deal of information about Scottish Travellers has been recorded, it was felt that that very little of this relates to their material culture or places they were associated with. Tinkers' Heart is therefore recognised within the Travelling community as being exceptional, intriguing and unusual, which for them enhances its significance.

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<sup>23</sup> *Our Place in Time*, 2014 ([www.gov.scot/Resource/0044/00445046.pdf](http://www.gov.scot/Resource/0044/00445046.pdf)) [accessed 21/04/2015]

## 1.4 Is there any evidence that part of the process could discriminate unlawfully, directly or indirectly, against people protected by equalities legislation?

### 1.4.1 Direct discrimination

Diversity is a key principle in all of Historic Scotland's developmental programmes and in its induction package for new staff. Our policy on equal opportunities states:

everyone should be treated equally irrespective of their sex, marital status, age, race, ethnic origin, sexual orientation, disability, religion or belief, working pattern, employment status, gender identity (transgender), caring responsibility, or trade union membership.

A review of both published and internal procedures for Historic Scotland has not demonstrated any evidence of direct discrimination against people protected by equalities legislation.

### 1.4.2 Indirect discrimination

Our assessment has looked at whether the application of the scheduling process is indirectly discriminatory against people protected by equalities legislation. It is the case that the current scheduling process does not explicitly take account of equality issues: only the quality of the structure or monument as defined in the scheduling criteria. However, the criteria are intended to be as objective and non-discriminatory as possible. The application of the criteria, which is considered separately below, is a matter of professional judgement and is primarily led by the data available. A lack of data and appreciation of value ascribed by people who share protected characteristics may lead to a particular site not being given sufficient consideration. This may occur when the scheduling criteria – which is the application of a neutral provision – puts sites representative of people sharing protected characteristics at a disadvantage compared to other members of the public. However, we found that to build such considerations into the policy and criteria would in itself lead to direct bias. This is considered in more detail in [section 2](#).

Similarly, the practice of relatively low level and targeted consultation with relevant parties<sup>24</sup> – normally the land owner/manager and Local Authority – may not always result in the full significance of a site being identified, albeit, that is not the primary purpose of such consultation. At present, consultation with land owners and occupiers is undertaken as a matter of courtesy and in recognition that scheduling in a statutory process and carries implications which they need to be aware of.

While there is nothing prohibiting wider public consultation on scheduling decisions, it is also important to recognise the significant resource implications that extensive consultation in all cases would bring. There is also doubt as to whether such consultation would be beneficial in the majority of cases. On balance it is felt that a proportionate approach can be taken in circumstances where it is considered wider engagement in the scheduling process would be necessary to establish further information about a site or monument. That could be dependent upon a range of factors, including the type of the monument, its location, the information available and the range of expertise amongst heritage professionals pertaining to it.

### **1.5 Is the scheduling process likely to affect relations between certain groups, for example because it is seen as favouring a particular group or denying opportunities to another?**

Our review of the current framework has not identified any examples of cases where the process has affected relations between groups – where one group’s interests has been prioritised over another’s. That is not to say that designation is not on occasion controversial, with landowners, community groups and individuals taking up opposing positions in identifying the advantages and disadvantages designation would bring. Differing views in such cases can include debate around a monument’s or building’s significance. In terms of consultation with owners and occupiers, while this may be viewed as denying opportunities to others with an interest in a designation decision, that is more a matter of public participation in the designation process as a whole and not unique to those who share protected characteristics.

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<sup>24</sup> SHEP section 2.15f states: ‘owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the Schedule, other than in exceptional circumstances’. Internal staff guidance identifies key stakeholders as: ...the people who own and manage archaeological sites and monuments, curators, archaeological surveyors, those who advise owners and occupiers (such as archaeological units, estate agents and solicitors or land managers), and our sister designation bodies.

The question of how heritage management more generally can be seen as favourable to different people was considered as part of a study commissioned by Historic Scotland in 2004. This study, called *The Case of Hilton of Cadboll*<sup>25</sup>, examined issues around meaning, value and place of a monument to local people. The study found that assessment of contemporary social value was still only a minor aspect of routine heritage management, where decision-making remains largely tied in to the assessment of historic, aesthetic and scientific value. The lessons learned from that case study helped Historic Scotland to gain a broader understanding of the social value of archaeological sites, particularly in terms of the production of identities and people's sense of place. It was noted at the time that this study had the potential to inform policies and practices for monuments in general. For example, the study highlighted the following:

... social value is often defined in terms of an academic interpretation of cultural significance, rather than any of the benefits which the population might be able to gain from the cultural heritage by and for themselves... This study highlights the need to redress this imbalance, not only to achieve a more balanced assessment of the significance of specific sites and monuments to present-day communities, but also as a crucial step in avoiding or mediating conflict between local communities and heritage organisations

(Sian Jones, 2004: 67)

The study also commented on the means by which assessments of significance are often undertaken, stating that:

*'... there is little by way of direct guidance on modes of assessing social, economic and educational value, and at present deliberation tends to be based upon the personal knowledge and perceptiveness of individual heritage managers without any specific investigations of such values. Consequently, in practice, historic and aesthetic values tend to be overridden by others, such as social value, in heritage significance assessment... perpetuated by the "familiarity and relative simplicity" of classifying historic and aesthetic values, but also because there is an emphasis on academic authority...'* (Sian Jones, 2004:6)

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<sup>25</sup> Historic Scotland funded research carried out by Professor Sian Jones of the University of Manchester into the significance of Early Medieval Sculpture to local communities which concentrated on the historical fragmentation and movement of the Hilton of Cadboll monument as well its modern role. *Early Medieval Sculpture and the Production of Meaning, Value and Place: The Case of Hilton of Cadboll*, 2004. (<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=7893>) [accessed 21/04/2015]

While this case was not about favourable procedures and policies in relation to protected groups, it does raise equality questions around the views of local people and the question of national significance and wider public benefit.

### **1.6 Is the process likely to damage relations between any particular group (or groups) and Historic Scotland?**

We have found no evidence to indicate that the scheduling process – as it currently operates and is planned to operate in the future – is damaging relations between Historic Scotland and particular groups. While the scheduling process has been brought into question as part of the Tinkers’ Heart Parliamentary Petition, this has been done so in a constructive way that recognises we are working within an established decision making framework. Indeed, the petition process and this assessment have highlighted a range of opportunities to strengthen relationships in the work we do by potentially increasing participation in the scheduling process, as well in other services delivered by our organisation.

### **1.7 Is there any evidence that people from some groups may have different expectations of the scheduling process?**

While there is limited data available on this topic, the information gathered as part of this assessment would suggest that some groups place different values upon certain monuments. Consultation respondents, and in speaking to equality groups, it was made clear to us that there are different interpretations and opinions about what should be defined as ‘nationally’ significant. However, a recurring theme is that minority groups are likely to place greater value on monuments that have been traditionally considered to be of ‘local’ importance by authorities.

We also found that while some members of the public will have different expectations of the scheduling process and there may be misconceptions of its implications, there is no evidence to suggest this is unique to those who share protected characteristics.

## 2. The Application of the scheduling criteria

*(This section considers in more detail how the scheduling criteria is applied in practice)*

The scheduling criteria are detailed within Chapter 2 and Annex 1 of the *Scottish Historic Environment Policy (SHEP)*. These criteria, which are non-statutory, provide a list of factors that Historic Scotland should take into account in reaching a view on national importance. The criteria in their present form have been in operation for over a decade, having themselves been informed by international good practice, including the Burra Charter<sup>26</sup>, and were subject to public consultation when they were first formulated. The criteria within Chapter 2 of the SHEP highlight some broad parameters under which the subsequent criteria should be applied. These are as follows:

- a. the past of all parts of Scotland is worthy of study and should be considered for conservation;
- b. no part of Scotland's past and no part of Scotland's land is inherently more or less likely to produce monuments of national importance than another;
- c. scheduling will be based on an appreciation of the regional character of Scotland's past, as reflected in its ancient monuments, and on the basis of an up-to-date set of criteria and guidance;
- d. scheduling will be applied to monuments across Scotland in a consistent way;
- e. monuments that no longer meet the criteria for national importance will be removed from the Schedule (descheduled);
- f. owners and occupiers of land on which monuments lie, and the local authorities in which they are situated, will be consulted on proposals to add a monument to the Schedule, other than in exceptional circumstances;
- g. scheduling will be an on-going process that recognises that every generation will have its own view of what comprises its heritage; and
- h. scheduling is applied to secure the legal protection of monuments in the national interest. It is the intrinsic value of the monument to the nation's heritage that is the primary consideration in deciding whether or not a site shall be scheduled and in determining applications for scheduled monument consent.

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<sup>26</sup> *The Burra Charter* (<http://australia.icomos.org/publications/charters>) [accessed 23/03/2015]



It can be seen here that there is a presumption that only owners, occupiers and Local Authorities will be consulted as part of the scheduling process. While this would exclude the participation of those people who share protected characteristics, this is also the case for all members of the public. This practice, while not necessarily extending the reach of the scheduling process in the wider public interest, could be viewed as discriminatory, although not particularly in relation to protected groups.

## 2.1 The assessment criteria

Annex 1 of the SHEP sets out the full criteria to be applied in reaching a view on national importance. This is a three stage process:

- (1) Identify and understand the cultural significance of the site
- (2) assess the purpose and implications of scheduling
- (3) weigh the cultural significance against one or more of six national criteria

The first step, to identify and establish a monument's cultural significance, involves considering whether a site or monument has significance for past, present or future generations with regard to artistic, archaeological, architectural, historic, traditional, aesthetic, scientific, or social qualities. The annex goes on to state:

...for most of Britain's and Scotland's past, there are no 'national' prehistories or histories, as reflected in the historic environment. Instead, there is an aggregation of related prehistories and histories of different regions, which may have wider national or international links. It is through these linked regional histories and prehistories that the history of Scotland and the UK can be understood.

From the outset, the policy is therefore clear that there is no single test for 'national' prehistories or histories, acknowledging that this is a judgement based upon the subsequent criteria outlined in the framework under the headings 'Intrinsic, Contextual and Associative'. This is an important factor, which acknowledges that scheduling should not place any emphasis regarding a

‘national perception’ of our past, helping to make the process as objective as possible. As noted earlier, incorporating national identities and ethnicities into the criteria would introduce a bias that the framework is purposefully seeking to remove.

## 2.2 Identifying and Understanding Cultural Significance

In looking at how cultural significance is established, it is clear that the first category of *intrinsic* characteristics are principally objective – in that these depend upon the physical aspects of the monument or thing in question – how it was made, where it is, how it has been changed over time, its state of preservation and its potential for future research.

**Contextual** characteristics begin to explore how the monument or site in question relates to the landscape or in the body of existing knowledge. This will involve looking at comparable monuments in the same or related classes, including issues such as its rarity. It also involves considering how a monument relates to other sites in the immediate area (including its setting), or contributes to our understanding on a regional, Scottish, UK and world context.

The **associative** characteristics, which are acknowledged as being the more subjective factors, seek to establish connections with the monument, including judgements around current or past aesthetic preferences. The associative characteristics are:

- h. the historical, cultural and social influences that have affected the form and fabric of the monument, and vice versa;
- i. the aesthetic attributes of the monument;
- j. its significance in the national consciousness or to people who use or have used the monument, or descendants of such people; and
- k. the associations the monument has with historical, traditional or artistic characters or events.

Finally, in reaching a view on cultural significance, the SHEP states that ‘... *understanding of cultural significance may change as a result of the continuing history of the monument, or in the light of new information, or changing ideas and values*’.

In reviewing the criteria used to establish cultural significance, it is clear that these are written to provide a wide and inclusive understanding of what is meant by ‘monument’, reflecting the general provisions within the legislation for what should fall into

the class of things that can be scheduled. In terms of application, it is also clear that the associative characteristics depend upon the availability and quality of information pertaining to a monument. As noted earlier, some of this information may not be in the possession of Historic Scotland, for example, evidence relating to its significance to people who have used or continue to use (for whatever purpose) the monument in question.

### 2.3 Identifying National Importance

Having established the cultural significance of a monument, the final stage of the policy framework for scheduling involves the determination of whether it is nationally important. Again, the policy framework provides a series of high level principles and criteria to be considered in taking a decision. It restates the purpose of scheduling, the presumption in favour of preservation of the monument, and that it should be passed on to future generations in as unchanged a state as practicable. It also restates that no part of Scotland's past is inherently more or less likely to produce monuments of national importance, and that the implications of scheduling should be taken into account; noting that scheduling may not be the only, or the most appropriate, mechanism to secure the future of all sites, even those that otherwise meet the criteria. Finally, the policy framework states :

The particular significance needed to define the monuments of “national” importance may be established in terms of one or more of the following:

- a. its inherent capability or potential to make a significant addition to the understanding or appreciation of the past;
- b. its retention of the structural, decorative or field characteristics of its kind to a marked degree;
- c. its contribution, or the contribution of its class, to today's landscape and/or the historic landscape;
- d. the quality and extent of any documentation or association that adds to the understanding of the monument or its context;
- e. the diminution of the potential of a particular class or classes of monument to contribute to an understanding of the past, should the monument be lost or damaged; and
- f. its place in the national consciousness is a factor that may be considered in support of other factors.

As with the criteria for cultural significance, these are objective and intended to give an inclusive means of testing whether a monument merits protection in the national interest. Application of such criteria is almost wholly dependent upon the quality and reliability of the information gathered in establishing cultural significance. The practical experience of those involved in taking decisions, as well as comparisons with similar or broadly contemporary monuments (although not accounted for in the framework) is also a key factor in the application of this policy.

In general terms, the application of any policy framework, particularly one that involves specified criteria, has the potential to result in discrimination for protected groups. National EqIA guidance suggests that indirect discrimination may occur when an authority applies an apparently neutral provision, criterion or practice which puts people sharing protected characteristics at a particular disadvantage. It is often unintended, unnoticed and unaddressed. The policy framework for scheduling could be prone to this, depending upon the weight attributed to particular aspects of the policy. However, this is counterbalanced by the general nature of the national importance 'tests', as well as the ability to make a positive determination on the basis of only one criterion. Issues of indirect discrimination are therefore only likely to arise in circumstances where the criteria are applied in a way that demands a positive determination in respect to most/all criteria.

## 2.4 Summary

Overall, our assessment has identified that the way in which we gather associative information about sites – and how we value that information – could be strengthened. Incorporating the views of groups of people sharing protected characteristics, as well as the public more generally, in a more meaningful way will require the development of specific mechanisms within heritage management for its assessment of historic assets of all types for designation. The same can be said for other heritage management processes, including conservation planning and site interpretation. Currently, much weight is clearly and quite rightly placed upon professional judgement and the knowledge and expertise of heritage managers. However, the depth and complexity of some rare cases, such as Tinkers' Heart, has shown that the social meaning and cultural value attached to such sites is unlikely to be accessed through our current methodologies.

### 3. The Tinkers' Heart case

*(This section explains how the EqlA has informed the scheduling decision for Tinkers' Heart)*

Our EqlA has commenced prior to and subsequently progressed in tandem with our re-assessment of Tinkers' Heart for designation as a scheduled monument. This has enabled officers working on these respective projects to discuss equality issues, policy interpretation and share evidence gathered as part of the public consultation and associated activities.

Further information on the data gathered and the decision reached regarding the Tinkers' Heart case can be found in the following report and supporting documentation (published separately):

- Tinkers' Heart: Scheduling Recommendation Report
- Tinkers' Heart: Consultation Analysis Report
- Tinkers' Heart: Desk-based and Field Survey Research Report
- Equality Impact Assessment Report

## 4. Assessment summary

*(This section highlights our key findings, grouped into 4 inter-related themes)*

### Public awareness and scheduling priorities

While there is a great deal of published information available on the scheduling process and heritage management more generally, there is limited information on how widely scheduling is understood by our customers<sup>27</sup>. There is also a lack of awareness, particularly amongst some minority communities, of the opportunities available to engage with culture and the historic environment. In addition, the effect that the scheduling process has on people who share protected characteristics is difficult to gauge as we do not routinely collect information regarding the demographics of our customers.

In terms of what is prioritised for designation, although the public generally trusts the authorities to identify themes on their behalf, when asked to identify these themselves, there were contrasting views regarding what was considered to be of national importance. For example, there can be division amongst socio-economic groups relating to the emphasis placed on personal, local and regional cultural significance in the national context. Evidence gathered from Gypsy/Travellers provided a clear sense of pride in their culture, and disappointment and frustration of how little this is understood by the general population and recognised by authorities. It is also clear that Tinkers' heart and the campaign to have it scheduled has in some respect become a symbol of Travellers' wider frustration at lack of public awareness and appreciation of their culture. This issue goes well beyond the designation processes, affecting public policy making more generally.

### Consultation and engagement

At present, any consultation is routinely undertaken with owners and other interested parties. There is no public consultation for new or revised scheduling proposals and consultation is undertaken with landowners and occupiers as a matter of courtesy and in recognition that scheduling is a statutory process that they need to be aware of. This focus by Historic Scotland upon existing relationships and partners across the historic environment sector could fail to identify the wider range of information relevant to under-represented heritage. This approach could exclude people who share protected characteristics and the

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<sup>27</sup> Customers in this context can be defined as any person or organisation who make use of, benefit from or interact with the services provided by Historic Scotland.

public as a whole from the decision making process. In particular, we have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved and its associations with different groups of people. However, a proportionate approach should be taken in circumstances where it is reasonable to expect that wider engagement in the scheduling process would be beneficial.

### **Expectations and relationships**

While some groups of people will have different expectations of the scheduling process and there may be misconceptions of its implications, there is no evidence to suggest this is unique to those who share protected characteristics. In addition, with respect to such characteristics, we have not identified any examples of cases where scheduling has affected relations between groups i.e. where one group's interests have been prioritised over another's. Evidence gathered as part of this assessment and related evidence gathering would indicate that Tinkers' Heart appears to be an exceptional case.

### **Identifying cultural significance and national importance**

Identifying associative significance is challenging; it depends on many factors, including the availability and quality of information relating to a monument, some of which may not be in the possession of Historic Scotland, Royal Commission on the Ancient and Historical Monuments of Scotland or the relevant Local Authority. There may be some rare cases where a lack of information and appreciation of the significance that ethnic minorities (and other groups of people) give to particular monuments is not sufficiently understood using traditional methods of research. Additionally, perceptions of what should be deemed to be 'nationally significant' varies between and within various groups of people, cultures, and geographic areas. For example, we identified that ethnic minority groups are more likely to place greater value on monuments (and buildings) that are traditionally considered to be of 'local' importance.

Evidence from other studies regarding cultural significance assessment would suggest that, in practice, historic and aesthetic values tend to override others, such as social value. This tends to be caused by the familiarity and relative simplicity of classifying archaeological, historic and aesthetic values and because there tends to be an emphasis on academic authority. In

light of these and other factors, the scheduling process may be prone to indirect discrimination if too much weight is attached to a particular value at the expense of others. However, this is counterbalanced by the general nature of the national importance 'tests', as well as the ability to make a positive determination on the basis of only one value.



## 5. Recommendations

In light of the above findings, the following recommendations have been made:

### Identifying designation cases which might raise equalities issues

1. Ensure that future reviews of the criteria for scheduling and listing take account of equalities issues and the interests of people who share protected characteristics.
2. Ensure that equalities issues and the concerns of people who share protected characteristics are addressed explicitly in any future public consultation about designation priorities or any revision of Scottish Historic Environment Policy, in line with the Equalities Act 2010.
3. Review operational procedures for how we identify associative significance as part of the scheduling and listing processes and how we balance associative values with other factors. As part of this, define those circumstances when wider public engagement might be desirable to ascertain associative significance, particularly with groups who share protected characteristics. This may involve the use of different methods of engagement.

### Wider work of HES: Engagement and consultation

4. Consider and identify ways in which Historic Environment Scotland can better involve people who share protected characteristics, and the wider public, in both shaping and informing the work we do.

### Gypsy/Traveller culture

5. Highlight key challenges faced by the Gypsy/Traveller community in Scotland today through internal staff training sessions.
6. Circulate recent Gypsy/Traveller planning guidance to staff involved in heritage management and related services in Historic Environment Scotland.
7. Circulate findings of this assessment to staff.

## 6. Decision making and monitoring

### 6.1 Describing how Equality Impact analysis has shaped the policy making process

As a result of the framing exercise, gaps in the information base regarding groups with protected characteristics and the historic environment were identified. Specifically, we had difficulties identifying data pertaining to the service users of the scheduling process, beyond those who are typically directly involved in the process (owners, occupiers and land managers). However, even for these people, we do not hold information on their characteristics. Our analysis was therefore based upon the review of high-level data sets (such as the census and Scottish Household Survey) in conjunction with bespoke and targeted data gathering exercises with equality groups. We also sought the views of the Gypsy/Traveller community through various sources (by seeking written responses, holding telephone discussions and conducting informal interviews).

We also drew upon other EqlAs that we have undertaken in recent years, as well as those by organisations fulfilling comparable functions. The present assessment also identifies that significant gaps in baseline knowledge about groups who share protected characteristics remain, and that the new body should develop appropriate equalities monitoring to assess the impacts for the services we deliver. This should include highlighting the challenges faced by those with protected characteristics through internal staff training sessions. This programme represents a priority for the new organisation as a whole, not only those in the designation teams. This training programme will not represent a new drain on resources, as the need for sensitivity to the needs of individuals and groups with protected characteristics has already been identified as a key requirement by Historic Scotland, the Royal Commission on the Ancient and Historical Monuments of Scotland and in *Scotland's Historic Environment Strategy*.

This EqlA makes a positive contribution to achieving better outcomes for people and communities, in that it has established that proposed changes will have a positive impact on some groups, and that potentially negative impacts of operational decisions on other groups can be mitigated through heightened awareness of their potential needs.

## 6.2 Identifying and establishing any required mitigating action

<p>Have positive or negative impacts been identified for any of the equality groups?</p>	<p>Positive impacts have been identified in the way in which the scheduling (and other designation) processes already operate, and the policy framework was found to be non-discriminatory to those who share protected characteristics.</p> <p>However, we have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved and its associations with different groups of people.</p> <p>In light of this, a review of operational procedures for assessing associative significance during the scheduling process has been recommended. Other methods of ensuring that disadvantaged groups can participate in decision-making will be maintained and enhanced where necessary. More information on this will be provided in our first Mainstreaming Equality Report, which is currently in the early stages of preparation.</p> <p>The assessment has also been helpful in raising awareness of how this service may affect people sharing protected characteristics, and particularly helpful in enhancing our understanding of the challenges faced by the Gypsy/Traveller community in Scotland. Internal staff training on this and other equality issues has been identified as an important action as part of our transition to Historic Environment Scotland.</p>
<p>Is the process directly or indirectly discriminatory under the Equality Act 2010?</p>	<p>No.</p>

### 6.3 Monitoring and Review

The Director of Heritage Management, within Heritage Management Directorate, will take responsibility for monitoring and evaluating progress on equality issues identified in this assessment, including the commitments to reviewing operational procedures and establishing an internal programme of raising awareness of the key issues. The outcome of this will be reviewed within 12 months.

The new body, Historic Environment Scotland, has been made subject to the public sector equality duty by being added to the Schedule to the Equality Act and the corresponding Scottish regulations. Historic Environment Scotland will therefore be reporting formally on its actions to deliver the appropriate actions and to report, across the whole of its functions including its work in relation to the heritage management regulations which formed the specific focus of this EqIA. The commitment has been captured in the Transition Business Plan which covers 2015-6 (in which HES is being set up and taking over from Historic Scotland and the Royal Commission on the Ancient and Historical Monuments of Scotland) and in the draft Corporate Plan for 2016-2019 as follows:

Transition Business Plan (Under Cross-Cutting Priorities/Lead and Enable): “To promote improved access to the historic environment and associated collections in accordance with statutory duties for promoting equality and diversity and tackling discrimination including: identifying opportunities for improving access to Properties in Care; outreach and community engagement programmes; and by improving online access to the organisations’ services”.

Draft Corporate Plan (Under Lead and Enable): “grow the contribution the historic environment makes to the cultural, social, environmental and economic life of Scotland by....[amongst other things] tackling inequality by broadening access and participation from all socio-economic groups and age-bands”

## 6.4 Authorisation of EqIA

We confirm that:

- ◆ This Equality Impact Assessment has informed the development of this procedure:

Yes  No

- ◆ Opportunities to promote equality in respect of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation have been considered, for instance:

- Eliminating unlawful discrimination, harassment, victimisation;
- Removing or minimising any barriers and/or disadvantages;
- Taking steps which assist with promoting equality and meeting people's different needs;
- Encouraging participation (e.g. in public life); and
- Fostering good relations, tackling prejudice and promoting understanding.

Yes  No

- ◆ If the Marriage and Civil Partnership protected characteristic applies to this policy, the Equality Impact Assessment has also assessed against the duty to eliminate unlawful discrimination, harassment and victimisation in respect of this protected characteristic:

Yes  No  Not applicable

### Declaration

I am satisfied with the equality impact assessment that has been undertaken for the scheduling process and give my authorisation for the results of this assessment to be published on our website.

Name: [REDACTED] Ian Walford

Position: Chief Executive

Authorisation date: 17/2015

## Annex A: Data and evidence gathering, involvement and consultation

Characteristic	Evidence gathered and Strength/quality of evidence	Source	Data gaps identified and action taken
<b>AGE</b>	<p><b>Scottish Household Survey (SHS)</b>            Statistics in the Scottish Household survey show that Cultural attendance at specific events or places varies by age. Those aged 25 to 59 are most likely to visit historic or archaeological places. Those aged 16-24 and 75 plus are less likely to visit historic or archaeological places. This pattern is similar in previous years and the strength/ quality of this data is high. The source is national statistics and the survey is designed to provide accurate, up-to-date information about the characteristics, attitudes and behaviour of Scottish households and individuals on a range of issues.</p>	<p>Scottish Household survey, SHS 2013</p> <p>People and Culture in Scotland, SHS 2013 Report</p>	<p>Little information is available across all protected characteristics, equalities groups in relation to heritage/ historic environment . We have general numbers on volunteering but no breakdown into all groups with protected characteristics.</p>
<b>DISABILITY</b>	<p><b>Scottish Household Survey (SHS)</b>            Overall, those with either a disability, or illness or health problems, or both, are much less likely to attend a cultural event than those without.</p> <p>The same pattern exists when considering cultural attendance (where the cinema is excluded from the list of events), although the difference is smaller.</p> <p>In 2013, those with either a disability, or illness or health problems, or both, are much less likely to attend a place of historical or archaeological interest than those without. Those living with a disability or long-term illness were more likely to attend the cinema, library or a museum than a place of historical or</p>	<p>Scottish Household survey, SHS 2013</p> <p>People and Culture in Scotland, SHS 2013</p>	<p>While physical access to heritage sites is key issue for those with disabilities, it is not felt that the scheduling process would impact positively or negatively on people with disabilities and therefore further assessment is not felt to be necessary.</p> <p>Other recent EqIAs have identified the need to ensure that the accessibility of literature/digital media produced by Historic Environment Scotland will need to fully consider people with protected characteristics. In particular, website design, navigation and</p>

	archaeological interest. The same pattern has been found in previous years. This Strength/ quality of this data is high, as the source is public national statistics.		information flows should ensure that no user group is disadvantaged.
<b>SEX</b>	The household survey provides some information on participation and engagement with cultural heritage by gender, indicating slightly higher levels for women (93 per cent compared with 89 for men)	Scottish Household survey, SHS 2013  People and Culture in Scotland, SHS 2013 Report	Information from SHS does not indicate significant variation in participation in heritage by gender; this is unlikely to be significant in terms of specific procedures such as a heritage designation process. Further assessment is not felt to be necessary.
<b>PREGNANCY AND MATERNITY</b>	No evidence was available to suggest that the process would impact on pregnant mothers or child carers.	n/a	The potential for the process to impact positively or negatively on pregnancy and maternity appears to be low and therefore further assessment is not felt to be necessary.
<b>GENDER REASSIGNMENT</b>	No evidence was available to suggest that the process would impact on transgender people.	n/a	The potential for the process to impact positively or negatively on Gender Reassignment appears to be low and therefore further assessment is not felt to be necessary.
<b>SEXUAL ORIENTATION</b>	No evidence was available to suggest that the process would impact on people on the grounds of their sexual orientation.	n/a	The potential for the process to impact positively or negatively on people on the grounds of Sexual Orientation appears to be low and therefore further assessment is not felt to be necessary.
<b>RACE</b>	The 2011 Census provides a profile of Gypsy/Travellers and compares this to the characteristics of the Scottish population as a whole (See <a href="#">Annex C</a> ).	2011 Census data  Scotland's	The Scottish Government (HS) recognises that Gypsy/Travellers are a particularly marginalised and discriminated against group, and it is

	<p><b>Scotland's Historic Environment Audit</b></p> <p>Rates of attendance at historic places are similar for those from White, Asian and Other ethnic groups, according to SHS 2013. When looking at other minorities sample sizes become too small to be credible enough to be reported on. 'Other ethnic' as defined in the table includes African, Caribbean or Black, and other ethnic minority.</p>	<p>Historic Environment Audit 2014 (SHEA)</p> <p>Scottish Household survey, SHS 2013</p> <p>People and Culture in Scotland, SHS 2013 Report</p>	<p>committed to ensuring equality of opportunity for all of Scotland's Gypsy/Travellers.</p> <p>Detailed information regarding evidence gathered as part the Tinkers Heart consultation is contained within the consultation analysis report.</p>
<b>RELIGION OR BELIEF</b>	<p><b>The Scottish Household Survey (SHS)</b> provides some information on attitudes of those of religion or belief towards the historic environment.</p>	<p>People and Culture in Scotland, SHS 2013 Report</p>	<p>The potential for the process to impact positively or negatively on people on the grounds of religion or belief appears to be low and therefore further assessment is not felt to be necessary.</p>
<b>MARRIAGE AND CIVIL PARTNERSHIP</b>	<p>No evidence was available to suggest that the process would impact on people in relation to marriage and civil partnership.</p>	<p>n/a</p>	<p>The potential for the process to impact positively or negatively on people on the grounds of their marriage or civil partnership status appears to be low and therefore further assessment is not felt to be necessary.</p>



## Annex B: Assessment against all protected characteristics

### Do you think that the process has positive/negative impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			<ul style="list-style-type: none"> <li>•</li> </ul>	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	<ul style="list-style-type: none"> <li>•</li> </ul>			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland's Historic Environment Strategy that Historic Environment Scotland must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations among and between different age groups			<ul style="list-style-type: none"> <li>•</li> </ul>	There is nothing to suggest that the scheduling process will adversely impact on different age groups. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

## Do you think that the process has positive/negative impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			<ul style="list-style-type: none"> <li>•</li> </ul>	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	<ul style="list-style-type: none"> <li>•</li> </ul>			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland's Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations among and between disabled and non-disabled people			<ul style="list-style-type: none"> <li>•</li> </ul>	There is nothing to suggest that the scheduling process will adversely impact on disabled people. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

**Do you think that the process has positive/negative impacts on men and women in different ways?**

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			●	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	●			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland’s Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations between men and women			●	There is nothing to suggest that the scheduling process will adversely impact on gender relations. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

**Do you think that the process has positive/negative impacts on women because of pregnancy and maternity?**

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			●	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	●			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland’s Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations			●	There is nothing to suggest that the scheduling process will adversely impact on pregnant mothers or child carers. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

**Do you think the process has positive/negative impacts on transsexual people?**

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			●	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	●			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland’s Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations			●	There is nothing to suggest that the scheduling process will adversely impact on transsexual people. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

**Do you think that the process has positive/negative impacts on people because of their sexual orientation?**

<b>Sexual orientation</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			●	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	●			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland's Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations			●	There is nothing to suggest that the scheduling process will adversely impact on lesbian, gay or bisexual people. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.

**Do you think the process has positive/negative impacts on people on the grounds of their race, ethnicity or identity?**

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination			<ul style="list-style-type: none"> <li>•</li> </ul>	<p>There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. Evidence gathered as part of the Tinkers’ Heart consultation has helped us to better understand how the scheduling process may affect minority groups, and recommendations have been made as to how we can take better account of this in the future. Historic Environment Scotland will also be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.</p>
Advancing equality of opportunity	<ul style="list-style-type: none"> <li>•</li> </ul>			<p>Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland’s Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.</p>
Promoting good race relations			<ul style="list-style-type: none"> <li>•</li> </ul>	<p>The assessment has considered this in detail and has found that there is nothing to suggest that the scheduling process will adversely impact on people from racial and ethnic minorities that cannot be mitigated through an appropriate awareness programme taken forward by the new organisation. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.</p>

**Do you think the process has positive/negative impacts on people because of their religion or belief?**

<b>Religion or belief</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			●	There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.
Advancing equality of opportunity	●			Historic Environment Scotland will have a statutory obligation to promote diversity, and working with people to improve outcomes is entirely consistent with the enabling approach of Scotland’s Historic Environment Strategy that HES must have regard to in its work with others. We have identified that the way in which we gather associative information about certain sites and how we value that information could be strengthened. As part of this, we have recognised that in some cases wider participation in the scheduling and listing processes, as well as using different methods of engagement, may be necessary depending on the types of sites involved.
Promoting good relations			●	There is nothing to suggest that the scheduling process will adversely impact on those holding a religious belief. As noted above, in certain instances we will extend public participation and engagement in the scheduling process.



**Do you think the process has positive/negative impacts on people because of their marriage or civil partnership?**

<b>Marriage and Civil Partnership</b>	<b>Positive</b>	<b>Negative</b>	<b>None</b>	<b>Reasons for your decision</b>
Eliminating unlawful discrimination			<ul style="list-style-type: none"> <li>•</li> </ul>	<p>There is limited data regarding people who currently or will use the scheduling process, or the regulatory services within the remit of Historic Environment Scotland. However, Historic Environment Scotland will be subject to the public sector equality duty and expected to meet the required high standards of all public bodies. Historic Scotland already largely conforms to these expectations, but has identified a need for internal staff training to ensure that this is maintained and enhanced in the new body.</p> <p>As the Scottish Government does not require assessment of impacts on this protected characteristic unless the process or practice relates to work, and no impacts have been identified, no further consideration has been given to this issue. While it is not considered likely that adverse impacts would occur, consideration will be made for inclusion of this category within the programme for internal staff training on equalities.</p>

## Annex C: Gypsy/Travellers – contextual data

### Who are Gypsies/Travellers?

Gypsies/Travellers<sup>28</sup> are people who are committed to a nomadic or travelling lifestyle and see travelling as an important part of their ethnic or cultural identity. There is a lot of diversity amongst Gypsy/Traveller communities in Scotland, with different groups speaking a variety of languages and holding to distinct customs and traditions. Many Gypsies/Travellers place great importance on family networks, and on passing down their culture and traditions through the generations.

### Legal status

Scottish Gypsy/Travellers have been officially recognised as an ethnic minority in Scotland since 2008 and are protected by the *Equality Act 2010*, which requires public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunities, and foster good relations between people who share different protected characteristics, including race.

### Population

The size of the Gypsy/Traveller population in Scotland is contested. In the 2011 Census, 4200 people in Scotland identified themselves as ‘White: Gypsy/Traveller’<sup>29</sup>. However, not all Gypsy/Travellers are willing to be identified as such. Organisations working with the Gypsy/Traveller community in Scotland have estimated the true figure to be in the order of 15,000-20,000 people, which may itself be an underestimate.

### History

There is uncertainty and disagreement around the origins of Scottish Gypsy/Travellers. What is known is that there has been a Gypsy/Traveller presence in the country for several centuries. Twelfth century documents mention itinerant smiths who

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<sup>28</sup> Shelter Scotland: About Gypsy/Travellers: ([http://scotland.shelter.org.uk/get\\_advice/advice\\_topics/finding\\_a\\_place\\_to\\_live/gypsies/about\\_gypsiestravellers](http://scotland.shelter.org.uk/get_advice/advice_topics/finding_a_place_to_live/gypsies/about_gypsiestravellers)) [accessed 24/04/2015]

<sup>29</sup> *National Records of Scotland (2013)* ‘2011 Census: Key Results on Population, Ethnicity, Identify, Language, Religion, Health, Housing and Accommodation in Scotland – Release 2A’ ([www.scotlandscensus.gov.uk/documents/censusresults/release2a/StatsBulletin2A.pdf](http://www.scotlandscensus.gov.uk/documents/censusresults/release2a/StatsBulletin2A.pdf)) [accessed 13/03/2015]

travelled looking for work, and dealing with metals remains a significant business activity of Gypsy/Travellers. Legal discrimination of the community also has a long history, with laws passed from the 16<sup>th</sup> century onwards which persecuted Gypsy/Travellers. In 1609 the Scottish Parliament passed the 'Act against the Egyptians', which made it lawful to condemn, detain and execute people solely on the basis of them being known or suspected Gypsies. The process of repealing such laws only began in the late 18<sup>th</sup> century.

Gypsy/Travellers are justly proud of their part in Scottish history, especially the service of the community in the armed forces and home front during both World Wars. This is in addition to their varied contributions to Scottish culture, art and music.

### **Lifestyle and culture**

Gypsy/Travellers do not necessarily travel for all or even part of the year – as they belong to a distinct ethnic group, they still belong to that group if they live in a house or if they have never travelled. A university health study showed that Gypsy/Travellers who suffered the poorest health were those living in houses. The term "Gypsy/Traveller" refers to a number of smaller ethnic groups and communities, including Scottish Travellers, Irish Travellers, Welsh Travellers and Romanies. Although some customs and beliefs are shared between these groups, all are different. Occupational and new age' travellers are different from Gypsy/Travellers and are not considered to be part of a distinct ethnic group.

### **What kind of issues do Gypsies/Travellers face?**

#### *Accommodation provision*

The traditional travelling way of life is threatened by a shortage of suitable campsites and stopping areas. In Scotland, there are currently no official 'transit' sites where Gypsies/Travellers can stop over while travelling, while many council-run sites are situated in bad locations, often due to historic reasons and travelling patterns, with inadequate facilities and limited access to services. This means that Gypsies/Travellers are often forced to stop in unauthorised areas, which can lead to problems and confrontations with local communities.

### *Discrimination and harassment*

Unfortunately, many people are prejudiced against Gypsies/Travellers and their way of life, and as a result, travelling people are likely to face a great deal of discrimination and harassment. In the 2011 Scottish Social Attitudes Survey<sup>30</sup>, 37% of respondents said they would be unhappy with a close family member forming a relationship with a Gypsy/Traveller and 46% felt that a Gypsy/Traveller would be unsuitable for the job of a primary school teacher. Approximately 90% of Gypsy/Traveller children have suffered racial abuse, and nearly two thirds have been subjected to bullying or physical assault.

### **Gypsy/Traveller National data**

The 2011 Census, published in March 2015 provide useful contextual data on Gypsy/Travellers in Scotland.

- **Ethnicity:** 4,200 people recorded their ethnic group as 'White: Gypsy/Traveller' (0.1% of all people in Scotland). This category was added to the Census for the first time in 2011.
- **Location:** The highest number of Gypsy/Travellers was recorded in Perth & Kinross (400 people; 0.3% of the total population of that area), followed by Glasgow, Edinburgh and Fife.
- **Age:** 40% (around 1,700 people) of those who recorded their ethnicity as 'White: Gypsy/Traveller' in the 2011 Census were aged under 25 years compared to 29% of the whole population.
- **UK comparison:** A similar proportion of the population in England and Wales identified as 'White: Gypsy or Irish Traveller' (0.1%) and there, like Scotland, the age profile of the group was much younger than the general population.
- **Religion:** The proportion of 'White: Gypsy/Traveller' people who identified as 'Church of Scotland' (19%) was lower than the whole population (32%). 'Other Christian' (14%) was higher than the population (6%) and the proportion recording no religion (37%) and 'Roman Catholic' (16%) was the same as for the whole population.
- **National Identity:** The 2011 Census showed that the majority of 'White: Gypsy/Travellers' declared a 'Scottish Only' national identity (66%). This was slightly higher than the whole population (62%). Around 500 (11%) of 'White: Gypsy/Travellers' reported their national identity as 'Other identity only' (i.e. not any UK national identity). This was also higher than the whole population (4%).

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<sup>30</sup> Scottish Social Attitudes Survey (2011) ([www.gov.scot/Publications/2012/06/9925](http://www.gov.scot/Publications/2012/06/9925)) [accessed 13/03/2015]

- **Deprivation:** People in Scotland who recorded their ethnicity as 'White: Gypsy/Traveller' were more likely to live in deprived areas than the 'White: British', 'White: Irish', and 'Other White' ethnic groups, but were less likely to live in a deprived area than the 'Arab', 'African' and 'Other Black' ethnic groups.
- **Previous counts:** The last official count, in 2009, estimated that around 2,000 Gypsy/Travellers lived on sites in Scotland. This figure is around half the number who recorded as 'White: Gypsy/Traveller' in the 2011 Census and suggests that a significant proportion of Gypsy/Travellers live in settled housing.

Gypsy/Travellers in the 2011 Census and compares the results and characteristics of this group to the Scottish population as a whole. The Scottish Government recognises that Gypsy/Travellers are a particularly marginalised and discriminated against group, and it is committed to ensuring equality of opportunity for all of Scotland's Gypsy/Travellers.

In summary, compared to the population in Scotland, Gypsy/Travellers were:

- Much less likely to be economically active
- Much more likely to have never worked
- Much more likely to work in elementary occupations
- More likely to work in the 'Distribution, Hotels and Restaurants' industry
- More likely to be self-employed
- Much more likely to be in the lowest social grade
- Less likely to be full-time students (16-24 years)
- Much more likely to have no qualifications
- Much less likely to own their home
- Much more likely to live in a caravan
- Much more likely to live in overcrowded accommodation
- More likely to have no central heating
- Less likely to have access to a car

## Annex D: Other data sources

- Ancient Monuments and Archaeological Areas Act 1979: [www.legislation.gov.uk/ukpga/1979/46](http://www.legislation.gov.uk/ukpga/1979/46)
- Scottish Historic Environment Policy: [www.historic-scotland.gov.uk/index/heritage/policy/shep.htm](http://www.historic-scotland.gov.uk/index/heritage/policy/shep.htm)
- PE01523: Give the Tinkers' Heart of Argyll back to the Travelling People: [www.scottish.parliament.uk/GettingInvolved/Petitions/PE01523](http://www.scottish.parliament.uk/GettingInvolved/Petitions/PE01523)
- Scottish Government Equalities and Mainstreaming Report: [www.scotland.gov.uk/Publications/2013/04/2397](http://www.scotland.gov.uk/Publications/2013/04/2397)
- Gypsy/Travellers in Scotland – Statistical Data: [www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers](http://www.scotland.gov.uk/Topics/People/Equality/gypsiestravellers)
- Scottish Government National Outcomes: [www.scotland.gov.uk/About/Performance/scotPerforms/outcomes](http://www.scotland.gov.uk/About/Performance/scotPerforms/outcomes)
- Heritage Protection Designation – Public Attitudes: [www.english-heritage.org.uk/content/imported-docs/a-e/bdrc-survey-2009.pdf](http://www.english-heritage.org.uk/content/imported-docs/a-e/bdrc-survey-2009.pdf)
- Scottish Household Survey 2012 and 2013: [www.gov.scot/Publications/2015/01/2156/downloads](http://www.gov.scot/Publications/2015/01/2156/downloads)
- People and Culture in Scotland, Scottish Household Survey 2013 Report: [www.gov.scot/Publications/2015/01/2156/308693](http://www.gov.scot/Publications/2015/01/2156/308693)
- Scotland's Historic Environment Audit 2014 [SHEA]: [www.historic-scotland.gov.uk/heritageaudit](http://www.historic-scotland.gov.uk/heritageaudit)
- Moving Minds: Gypsy/Travellers in Scotland, 2014, Edited by Michelle Lloyd and Peter Ross: [www.mecopp.org.uk/resources-moving\\_minds\\_book.php?section\\_id=346](http://www.mecopp.org.uk/resources-moving_minds_book.php?section_id=346)
- Shelter Scotland: About Gypsy/Travellers: [http://scotland.shelter.org.uk/get\\_advice/advice\\_topics/finding\\_a\\_place\\_to\\_live/gypsiestravellers/about\\_gypsiestravellers](http://scotland.shelter.org.uk/get_advice/advice_topics/finding_a_place_to_live/gypsiestravellers/about_gypsiestravellers)
- Early Medieval Sculpture and the Production of Meaning, Value and Place: The Case of Hilton of Cadboll <http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=7893>
- Assessing the Values of Cultural Heritage: Research Report – The Getty Conservation Institute, Los Angeles [www.getty.edu/conservation/publications\\_resources/pdf\\_publications/values\\_cultural\\_heritage.html](http://www.getty.edu/conservation/publications_resources/pdf_publications/values_cultural_heritage.html)

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