
LEIGH DAY

FAO

Professional Standards Directorate Investigations
Greater Manchester Police
Openshaw Complex
Lawton Street
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M11 2NS

Dear Professional Standards Directorate

Our Client: The Traveller Movement

INTRODUCTION

1. We write in respect of incidents arising from the use of a dispersal order in Greater Manchester on 23 November 2024 [‘the Dispersal Order’]. This order was implemented and enforced by Greater Manchester Police [‘GMP’].
 2. We represent the Traveller Movement, a charity representing the interests of Romani (Gypsy), Roma and Irish Travellers. The purpose of this letter is to register a complaint on behalf of those communities [‘Travellers’] on account the treatment suffered at the hands of GMP, in the enforcement of the Dispersal Order.
 3. As is clear from the appended evidence, members of the Traveller communities have been adversely affected by the actions of the GMP on 23 November 2024 within the meaning of s. 12(1A)(b) Police Reform Act 2002.
 4. The manner in which the GMP conducted themselves was in breach of various duties incumbent on the police in the exercise of their statutory powers.
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5. Potential contraventions of the Equality Act 2010 ['EqA'] of the European Convention on Human Rights and Human Rights Act 1998 ['ECHR'] have also been identified. These are detailed below. We, therefore, require:
- a. A direct response to the concerns raised in this letter and the attached evidence.
 - b. The complaint to be recorded under Schedule 3 of the Police Reform Act 2002 and for the GMP to begin the relevant investigation into the allegations of discriminatory policing in the authorisation and enforcement of the Dispersal Order on 23 November 2024.
 - c. Consideration of whether the incident on 23 November 2024 or any resulting individual complaints warrant referral to the IOPC.
 - d. In circumstances where the conduct complained of does not amount to misconduct, an assessment of whether any Practice Requiring Improvement or Reflective Practice Review Processes should be implemented pursuant to the Police (Conduct) Regulations 2020.
 - e. That all evidence, including CCTV and body-worn camera footage, relating to the enforcement of the dispersal order is retained.
6. We trust that GMP will have particular regard to the recent IOPC Guidelines for Handling Allegations of Discrimination published on 27 November 2024.¹ Similarly, a copy of this complaint has been forwarded to the IOPC and the Greater Manchester Combined Authority for their records and, if appropriate, their consideration.

FACTS

¹ Available at <https://www.policeconduct.gov.uk/publications/guidelines-handling-allegations-discrimination>

7. On 23 November 2024 a number of young Travellers from across the North West, Yorkshire and North Wales made independent journeys to Manchester in order to attend the Christmas Markets and carry out their usual Christmas shopping.
8. This was not a group intent on causing trouble. The people from the Traveller communities coming to Manchester ranged in age from young children, under 10, to young adults under 20. We understand that the majority of the young adults attending were acting as chaperones to the younger children and were expressly there to protect them and ensure their good behaviour. Various footage available online shows the high spirits amongst the children making their way to Manchester. We are aware of no footage which indicates that this was an unruly or badly behaved crowd, quite the opposite.
9. As the first groups of Travellers entered Manchester City Centre they found themselves being prevented from entering the Arndale, and other shopping areas, while facing aggressive questioning from GMP officers about their intent. Many were told that they were not welcome in Manchester City Centre on that day and that they should 'go home' or similar.
10. As various groups of Travellers were ushered towards train stations, other groups were still arriving by train. At this point video footage shows a police response akin to what would be seen at a large sporting event with a particularly fractious crowd. Lines of GMP police officers corral groups of children into small spaces and then begin physically pushing them up and down stairways towards waiting trains. Understandably many of the children involved appear to be shocked and distressed by events.
11. Upon being pushed up towards trains, children were manhandled onto them by officers, causing various injuries. At no point did the officers make enquiries as to where the children were from, or seek to ensure they were placed on trains that would get them home. There was no effort to enlist responsible adults to manage the situation nor did officers remain on trains with the children to ensure their safety after they had been placed in a particularly vulnerable situation. The sole concern here appears to have been moving the Traveller children out of Manchester City Centre with urgency. Where they ended up and whether they were safe was of no apparent concern to GMP.
12. Most concerningly, the GMP's response was seemingly enforced overwhelmingly against only the Traveller communities and indicates a racialised police response

that quickly got out of hand and became unnecessarily dangerous for everyone involved. A further aggravating factor is that the individuals who bore the brunt of the actions were almost all children who were looking forward to having a festive day out in Manchester City Centre. Instead, they were met by aggressive and racialised policing.

13. The testimonies attached to this letter detail several shocking events which are typical of the situation. Many more stories like these will have been told privately. However, the manner in which the Dispersal Order was enforced and the conduct of the GMP more generally likely means the Traveller communities' trust in the GMP will have been significantly damaged unless action is taken.

RELEVANT LEGAL OBLIGATIONS

Breach of statutory powers

14. We understand that the relevant legal framework under which the GMP exercised their functions during the incident on 23 November 2024 was sections 34 and 35 of the Anti-Social Behaviour, Crime and Policing Act 2014 [the "2014 Act"].
15. We have not had sight of the exact wording of the Dispersal Order issued pursuant to s. 34 2014 Act. Our analysis is, therefore, based on the personal testimonies appended to this letter, open-source reporting and the wording provided in the press release published on GMP's website at 15:26 on 23 November (some 3 hours after the Dispersal Order was put in place).²
16. The validity of the exercise of such powers is dependent on:
- (i) a valid authorisation pursuant to s. 34 from an officer of at least the rank of inspector [s. 34(1) 2014 Act];
 - (ii) the officer being satisfied, on reasonable grounds, that the use of s. 35 powers in the locality in the specified period "*may be necessary for the*

² Available here: <https://www.gmp.police.uk/news/greater-manchester/news/news/2024/november/dispersal-order-issued-in-manchester-city-centre-and-beyond-to-prevent-and-tackle-asb/#:~:text=A%20Section%2034%20dispersal%20notice,officers%20patrolling%20around%20key%20areas.>

purpose of removing or reducing the likelihood of (a) members of the public in the locality being harassed, alarmed or distressed; or (b) the occurrence in the locality of crime or disorder” [s. 34(2) 2014 Act].

17. In deciding whether to grant such authorisation, the officer “*must have particular regard to the rights of freedom of expression and freedom of assembly set out in articles 10 and 11 of the [European] Convention [on Human Rights]” [s. 34(3) 2014 Act].*

18. Pursuant to s. 34(4) 2014 Act, such authorisation must be in writing, signed by the officer giving it; and must specify the grounds on which it is made. We request disclosure of the written authorisation in early course.

19. We understand from open sources and the GMP’s press release that the s. 34 authorisation was provided by Superintendent Phil Spurgeon with the stated reason as being:

“in response to a rising number of reports and in the interest of protecting the public from excessive anti-social behaviour, disorder and criminality over the weekend”.³

20. The use of s. 34 authorisations and s. 35 powers was considered by the Court of Appeal in the context of protests in R (on the application of Singh v Chief Constable of the West Midlands) [2006] EWCA Civ 118. The Court noted that:

“Both authorisations and dispersal directions must be properly justified on an objective basis. If used improperly or disproportionately they may be challenged” [at [90]].

21. We reserve the right to comment more fully on the validity of the authorisation upon receipt. Taking account of the fact that this was not a situation of protest or a mass public gathering, several points are made in respect of the authorisation as reported on GMP’s website. These points are relevant to the assessment of whether the measure, as deployed, was proportionate and justified.

22. First, we understand from the press release that the s. 34 authorisation was authorised “across Greater Manchester”. This covers an unreasonably large

³ Greater Manchester Police, “[Dispersal order issued in Manchester City Centre and beyond to prevent and tackle ASB](#)”, 23 November 2024.

geographical area, particularly in circumstances where the alleged disturbance was in and around the Arndale Centre. To properly comply with any dispersal notice, a person would be required to travel a significant distance. There are multiple reported instances of this, in fact, happening. Appended to this letter are three particularly egregious examples all involving children, all of whom are from the Traveller communities:

- i. A 13-year-old boy being forced on a train back to Darlington despite the GMP being informed there would be no parent present to collect him and requests that the officers keep him in the station safely until a parent could collect him.⁴
- ii. Three persons, including a 17-year-old girl, being forced onto a train, without knowing its destination, and ending up in Leeds.⁵
- iii. Three minor children, including a 12-year-old girl, who were forced onto a train without knowing its destination, eventually ending up in Stockport and being forced to take a taxi back to Manchester.⁶

23. Second, the authorisation was in place for 48 hours. This is the maximum time allowable under the legislation without extension [s.34(1) 2014 Act]. We expect an explanation from GMP as to the grounds upon which it considered it reasonable and necessary to issue an authorisation over such a large geographic area for the maximum statutorily mandated period. We further expect explanation from GMP as to why it considered such a large geographical scope and long period of authorisation necessary for the purpose of removing or reducing the likelihood of members of the public, in the locality, being harassed, alarmed or distressed or the occurrence in the locality of crime or disorder.

24. Finally, we note that most (if not all) of the reported instances of this s. 34 authorisation being enforced were against members of the Traveller communities (with a significant number of Traveller children being impacted by the actions of GMP officers that day). Such treatment raises serious and disturbing questions as

⁴ See Appended Case Study 5.

⁵ See Appended Case Study 2.

⁶ See Appended Case Study 3.

to whether the s. 34 authorisation and/or the resultant s. 35 orders were deployed with discriminatory intent (the consequences of which are discussed further below).

Deployment of s. 35 dispersal orders

25. Notwithstanding the validity, or otherwise, of the s. 34 authorisation, constables policing the situation are themselves required to satisfy two conditions before issuing a dispersal direction to an individual:

- a. they must have reasonable grounds to suspect that the behaviour of the person has contributed, or is likely to contribute, to members of the public being harassed, alarmed or distressed or the occurrence in the locality of crime or disorder [s. 35(2) 2014 Act].
- b. giving a direction must be necessary for the purpose of removing or reducing the likelihood of the events mentioned above [s.35(3) 2014 Act].

26. S. 35(5) 2014 Act puts certain formalistic requirements on a direction under s. 35:

- a. It must be in writing (unless not reasonably practicable).
- b. It must specify the area to which it relates.
- c. It may impose requirements as to the time by which the person must leave the area and the manner in which the person must do so (including the route).

27. Reporting suggests that at least 40 dispersal orders were issued on or around 24 November 2024.⁷ It is suspected that most of these orders were issued to members of the Traveller communities. It remains unclear whether any of those orders were issued in writing or otherwise complied with the requirements at s. 35(5) 2014 Act.

Duties as regards minors under 16

28. A significant number of people affected by the actions of the GMP on 23 November 2024 were children. We note that s. 35(7) 2014 Act provides that a constable may remove a minor to a place where the person lives or a place of safety. This power

⁷ Manchester Evening News, "[You'd think we'd killed someone': Call for investigation after Gypsy and Traveller children 'blocked from Christmas markets and forced onto trains out of Manchester'](#)", 24 November 2024.

must be read in conjunction with s. 11(2)(a) of the Children Act 2004 requiring police to ensure “*their functions are discharged having regard to the need to safeguard and promote the welfare of children*”. [See Castle v Commissioner of Police of the Metropolis [2011] EWHC 2317 (Admin)]

29. Clearly the GMP’s actions on 23 November had little or no regard for the safety and welfare of the children caught up in this situation. As noted above, appended to this letter are five case studies which are to be accompanied by photographic and video evidence once an email address is provided.
30. These testimonies describe numerous instances of the police forcing children onto trains with the destination unknown, and with no regard to removing them to a place of safety.
31. Other descriptions include instances of children’s parents requesting the GMP to keep children in their custody until they could be safely collected,⁸ physical restraint with handcuffs⁹ and physical injuries including a girl having her foot trapped under a train.¹⁰ These instances give rise to serious allegations against the GMP, including for the use of excessive use of force, battery and/or assault, potential false imprisonment and negligence.
32. The deployment of the Dispersal Order against the Traveller communities in particular raises serious questions regarding the GMP’s compliance with its obligations pursuant to the EqA and ECHR as detailed below.

Equality Act 2010

Definition of race

33. Race includes ethnic or national origins (s. 9(1) EqA) and the Romani (Gypsy), Roma and Irish Travellers, whether treated separately or as a community benefit from protection from racial discrimination.

Types of discrimination

⁸ See Case Study 5.

⁹ See Case Study 1.

¹⁰ See Case Studies 1 and 2.

34. The Equality Act 2010 proscribes a variety of kinds of discrimination. Most relevant in these circumstances are the following:

13 – Direct discrimination

(1) A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

19 – Indirect discrimination

(1) A person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.

(2) For the purposes of subsection (1), a provision, criterion or practice is discriminatory in relation to a relevant protected characteristic of B's if—

- (a) A applies, or would apply, it to persons with whom B does not share the characteristic,
- (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it,
- (c) it puts, or would put, B at that disadvantage, and
- (d) A cannot show it to be a proportionate means of achieving a legitimate aim.

(3) The relevant protected characteristics are—

...

race;

...

35. Those Travellers attending Manchester City Centre on 23 November 2024 were treated less favourably by GMP on account of their race. Other groups of children and adults were not pushed on to trains out of the City Centre by GMP officers.

36. In these circumstances the relevant PCP's would be:

- a. The implementation of dispersal orders due to large numbers of people attending the city centre, whether generally or specifically, on 23 November 2024
- b. Targeting those with accents that were perceived to be Irish in tone and/or those who were perceived to be Travellers when implementing the Dispersal Order on 23 November 2024

The Public Sector Equality Duty

37. We are concerned that GMP have failed to discharge their obligations under section 149(1) of the Equality Act 2010 [‘the PSED’] in failing to properly assess the impact of the dispersal order and the apparently racialised police response following its implementation. Section 149 provides that a public authority “must, in the exercise of its functions, have due regard to” the following:

- a. The need to “eliminate discrimination, harassment, victimisation and any other conduct prohibited by or under the Equality Act”: s 149(1)(a).
- b. The need to “advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”: s 149(1)(b). This involves, in particular, the need to
 - i. Remove or minimise disadvantages connected to the relevant characteristic;
 - ii. take steps to meet needs which are particular to persons sharing that characteristic; and
 - iii. encourage people who share the relevant characteristic to participate in public life: s 149(3).
- c. The need to “foster good relations between persons who share a relevant protected characteristic and persons who do not share it”: s 149(c). This includes, in particular, the need to tackle prejudice and promote understanding: s 149(4).

38. The duty “must be exercised in ‘substance, with rigour, and with an open mind’”: Hotak v Southwark London Borough Council [2016] A.C. 811, para 75 citing Bracking v Secretary of State for Work and Pensions [2014] Eq LR 60, para 60.

39. The decision-maker must be aware of the duty to have “due regard” to the relevant matters: *Bracking*, [26](5)(i). There must be “a proper appreciation of the potential impact of the decision on equality objectives and the desirability of promoting them”, such that the decision-maker is “clear precisely what the equality implications are when he puts them in the balance”: [26](8)(i), citing *R (Hurley and Moore) v Secretary of State for Business, Innovation and Skills* [2012] EWHC 201 (Admin); see also *R (Bridges) v Chief Constable of South Wales Police* [2020] 1 WLR 5037, [175](6).
40. The decision-maker “must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy and not merely as a ‘rearguard action’”: *Bracking*, [26](4) (emphasis added). The duty must therefore “be fulfilled before and at the time when a particular policy is being considered”: *Bridges*, [175](1).
41. The mere fact of an Equality Impact Assessment is not by itself sufficient to discharge the PSED: *R (Kaur & Shah) v London Borough of Ealing* [2008] EWHC 2062 (Admin) paras 25-27; *R (Hurley & Moore) v Secretary of state for Business Innovation & Skills* [2012] EWHC 201 (Admin).
42. The duty requires a decision maker to undertake a sufficiently thorough information gathering exercise and then properly to analyse that information: *R (Green) v Gloucestershire County Council and ors* [2011] EWHC 2687 (Admin) at [131].
43. Although the duty is one of “process and not outcome”, that “does not... diminish its importance”: see *Bridges*, [176]-[177]. As Arden J set out in *R (Elias) v Secretary of State for Defence* [2006] 1 WLR 3213 (at [274]), the PSED is “an integral and important part of the mechanisms for ensuring the fulfilment of the aims of anti-discrimination legislation.”
44. We surmise that had the requirement to advance equality of opportunity for Travellers has not been properly and rigorously considered at any point before, during or after the implementation of the dispersal order, it is likely that a proper assessment would have resulted in better outcomes.
45. In light of the fact that PSED is a “continuing duty” to keep the equality implications of a decision under review (*Forward v Aldwyck Housing Group Ltd* [2019] EWCA

Civ 1334, [37]) we consider that an updated Equality Impact Assessment governing the approach to any future dispersal orders under your jurisdiction ought to be carried out without delay.

Public functions and services discrimination

46. In the exercise of a public function, or in the provision of services to a section of the public, a person must not do anything that constitutes discrimination; and

47. The following Schedule to EA 2010 applies:

SCHEDULE 2

Services and public functions: reasonable adjustments

Preliminary - 1

This Schedule applies where a duty to make reasonable adjustments is imposed on A by this Part.

The duty - 2

(1) A must comply with the first, second and third requirements.

(2) For the purposes of this paragraph, the reference in section 20(3), (4) or (5) to a disabled person is to disabled persons generally.

...

(4) In relation to each requirement, the relevant matter is the provision of the service, or the exercise of the function, by A.

(5) Being placed at a substantial disadvantage in relation to the exercise of a function means—

(a) if a benefit is or may be conferred in the exercise of the function, being placed at a substantial disadvantage in relation to the conferment of the benefit, or

(b) if a person is or may be subjected to a detriment in the exercise of the function, suffering an unreasonably adverse experience when being subjected to the detriment.

...

(7) If A is a service-provider, nothing in this paragraph requires A to take a step which would fundamentally alter—

- (a) the nature of the service, or
- (b) the nature of A's trade or profession.

(8) If A exercises a public function, nothing in this paragraph requires A to take a step which A has no power to take.

48. A public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998: s 31(4) EqA 2010. It is not necessary to be an organ of the state to be exercising a function of a public nature: e.g. *London & Quadrant Housing Trust v Weaver* [2009] EWCA Civ 587, [2010] WLR 363. For the avoidance of doubt, we consider Greater Manchester Police to have been exercising a public function at all times, albeit in a regrettable manner.

European Convention on Human Rights ['ECHR']

49. Article 8 ECHR:

Everyone has the right to respect for his private and family life, his home and his correspondence

50. Article 11 ECHR:

Everyone has the right to freedom of peaceful assembly and to freedom of association with others...

No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.

51. Article 14 ECHR:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

52. GMP is operating as a public authority within the meaning of s 6 Human Rights Act 1998. The Travellers' entitlement to travel freely and gather with their peers at a place of their choosing is protected by Articles 8 & 11 ECHR. The Travellers' race constitutes a protected status within the meaning of Article 14 ECHR, which is a significant aggravating factor in the complaint.

53. The notion of private life extends to the ability to travel freely, per *Botta v Italy* (Application no. 21439/93).

NEXT STEPS

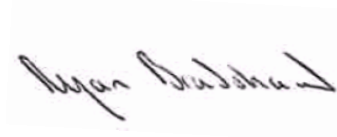
54. We require you to investigate these complaints rigorously. We request the contact details of the lead investigator in order that we can provide them with the video and photographic evidence that accompanies the case studies.

55. In the interest of ensuring positive community relations and engagement we request that as much detail of the ongoing investigation is made public as is possible.

56. We seek to ensure that events such as those that occurred on 23 November 2024 never happen again and that justice is obtained for all those whose rights were breached by GMP.

57. We see no reason that a response should take more than 28 days.

Yours sincerely



Ryan Bradshaw
Leigh Day