

An account of the
Equality Review carried
out by Cork City
Council in respect of
Traveller-specific
accommodation



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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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Contents

Glossary.....	2
Introduction.....	4
Section 1 Key areas of interest.....	6
Section 2 Issues arising.....	17
Section 3 Recommendations.....	24
Appendix 1.....	28

Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

2011 Assessment Regulations: Social Housing Assessment Regulations 2011 (S.I. No. 84/2011)

2011 Allocation Regulations: Social Housing Allocation Regulations 2011 (S.I. No. 198/2011)

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

Capital expenditure: Generally relates to the costs of acquiring, upgrading or extending physical assets, such as buildings, equipment or facilities

Current expenditure: Also referred to as 'revenue expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

CBL: Choice Based Lettings

CDP: Community Development Project

CENA: The Traveller-led Voluntary Accommodation Association (TVAA)

CLO: Community Liaison Officer

DCEDIY: Department of Children, Equality, Disability, Integration and Youth

DHPLG: Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020

DoJ: Department of Justice, formerly known as the Department of Justice, Equality and Law Reform

DSP: Department of Social Protection, formerly known as the Department of Employment Affairs and Social Protection

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

Revenue expenditure: Also referred to as 'current expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

SEO: Senior Executive Officer

SHCIP: Social Housing Capital Investment Programme, sometimes referred to as Social Housing Investment Program (SHIP)

SHIP: Social Housing Investment Program, sometimes referred to as Social Housing Capital Investment Programme (SHCIP)

SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

Under section 32(1) of the Irish Human Rights and Equality Commission Act 2014 (the '2014 Act') the Commission may invite a particular undertaking to carry out an equality review.

In June 2019 the Commission invited Cork City Council (the 'Council') to undertake an equality review in the following terms:

1. That the Council would conduct an audit of the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation, having regard to the drawdown by the Council of capital funding provided by the Department of Housing, Planning and Local Government for the provision of Traveller-specific accommodation having regard to the Council's obligations under the ESA; and
2. That the Council would conduct a review of its practices, procedures, and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services to Travellers to determine whether those practices, procedures and other relevant factors are conducive to the promotion of equality of opportunity for these service users having regard to the Council's obligations under the ESA.

In conducting any equality review, the Commission requested that the Council would address and report on a number of specific issues. (See [Appendix 1](#))

The Council submitted its initial Equality Review response to the Commission on 03 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 19 June 2020.

This is the Commission's account of the Council's Equality Review that, pursuant to section 28(2) of the 2014 Act, is being published as part of the Commission's 2020 Annual Report.

It comprises three sections, namely:

1. **Key areas of interest** – which is a synopsis of the Equality Review undertaken, and the information provided, by the Council;
2. **Issues arising** – which comprises the Commission's consideration of the information contained in the Equality Review as undertaken by the Council; and
3. **Recommendations** – proposed recommendations from the Commission to the Council.

Section 1 Key areas of interest

A. Initial and ongoing assessment of Traveller-specific accommodation needs

The Council states that the TAU within its Housing Directorate has responsibility for all matters arising from the implementation of the 1998 Act. It states that, additionally, the unit is responsible for ensuring that all parties concerned with Traveller accommodation are kept informed with regard to the development of proposals and outcomes for Traveller-specific accommodation in the TAP. The Council provides that the TAU interacts with the Allocation, Rents, Maintenance, HAP and Homeless sections on behalf of members of the Traveller community. It states that when a Traveller family expresses an interest in standard Council housing, the staff of the TAU will advocate on their behalf on a weekly basis to the Housing Allocations Section of the Council.

The Council states that the Administrative Officer and Senior Staff Officer of the TAU interact with Traveller families on a daily basis. It states that no social worker is assigned to the TAU. It provides that, as of October 2019, staff of the TAU are available to Travellers on a drop-in basis, without a need for an appointment. The Council's review advises that this is a system available only to Travellers, who can meet with someone from the TAU on a face-to-face basis in an office at the local authority.

The Council states that over the past two years it has engaged in a Traveller mediation service, which is a Garda-led community forum. It further states that it has held group meetings with Travellers and that it has met with CENA, the Traveller-led housing association, with a view to collaboration over the lifetime of the most recent TAP.

In formulating its TAP 2014-2018, the Council states that it undertook consultation with a range of stakeholders from organisations and agencies representing the statutory sector, community and voluntary sector and Traveller representative organisations. It states that the Council received submissions from the Traveller Visibility Group (TVG), Cork Traveller Women's Network, Southern Traveller Health Network, HSE: Traveller Health, CENA, Chair of Cork County Council LTACC, Mincéirs

Whiden Ireland, Pavee Point, Diocese of Cork and Ross, Threshold and the Irish Traveller Movement.

The Council states that it provides a range of accommodation responses including group housing schemes, halting sites, standard housing and access to voluntary and private rented sector accommodation.

The Council states that, as of October 2019, the LTACC includes nine City Councillors, three advocacy group Traveller representatives, two Traveller representatives, three Traveller guests and four Council officials. It is reported that it had met six times between January and October 2019 and it was envisaged that it would meet a minimum of two more times before the end of that year. The Council states that the LTACC is very active with quality participation from Travellers, Traveller advocacy groups and the Council. It reports that in the past year the LTACC invited a number of relevant groups and representatives to make presentations on Traveller accommodation issues. The review states that the LTACC has been used as a means for the Council to discuss emergency issues such as storm damage to housing stock and illegal dumping issues.

The Council states that the functions of the LTACC are to advise in relation to the preparation and implementation of any accommodation programme for the functional area of the Council, to facilitate consultation and to liaise between Travellers and the Council in relation to accommodation policy, needs and initiatives and to advise on the management of accommodation for Travellers.

It is stated in the Council's review that an issue raised by representatives of the Traveller community was that the work of the LTACC often focused on problems between residents of halting sites and other local residents, to the detriment of discussing the housing needs of Travellers. The Council states that the TAP was an agenda item on all the meetings of the LTACC in the months prior to the submission of its Equality Review. The review recommends that the LTACC ensures through its agenda that medium and long-term housing needs and issues related to each site are addressed at each meeting.

The Council states that standard housing is also accessible to Travellers through the local authority stock. It is stated that all properties that become available in the Council area are advertised, and must be applied for, through the CBL system. It states that a public counter is operational between 10am and 4pm from Monday to Friday, with the specific purpose of assisting applicants with the CBL system. It is stated that at the counter a staff member can assist an applicant with logging on to the system and placing an expression of interest on relevant properties.

The Council reports that Travellers are included as a specific category of persons who are eligible for social housing support, which includes different forms of standard housing, sites for caravans and any accommodation provided to Travellers under the 1998 Act.

According to the Council, factors taken into account in considering priority for allocations include relevant information provided in support of the households' application, the length of time on the social housing support waiting list, preference area(s), family size and type of dwelling required. It is suggested in the Council's review that the fact that much of the current Traveller-specific accommodation is overcrowded should also be taken into account when ascertaining priority.

Travellers applying to the Council for accommodation can choose more than one preference type of accommodation. The review notes that:

“this is favourable as the [TAER] concluded that where applicants can just make one choice, many chose standard housing because the perceived lack of provision for Traveller-specific accommodation leaves them reluctant to choose this when it is their only option”.¹

It is further highlighted in the Council's review that living conditions in Traveller-specific accommodation can have an impact on preference. The following example is provided: when a person expresses a preference for the private rented sector because they are dissatisfied with the provision of Traveller-specific accommodation in the area due to

¹ Traveller Accommodation Expert Review, July 2019, pg.18

issues such as overcrowding and the standard of accommodation, it may be the Council's record of provision (partly due to a failure to provide an adequate number of serviced halting site bays) which is determining their preference as opposed to their desire for Traveller-specific accommodation *per se*.

The Council's review states that Travellers living in RAS and HAP accommodation can express an interest to move to a group housing scheme. However, it is stated that the family would also need to engage with the TAU to make them aware of the interest in this type of accommodation. It is stated that the TAP does not take account of families in the HAP or RAS scheme or those currently in standard housing.

The Council's review states that it assessed needs through a survey, but did not make reference to estimates of numbers of Travellers, or of any quantitative estimates of the need for sites. For the 2019–2024 TAP, the review states that families and young people from seven Traveller-specific schemes (including three unauthorised sites) were invited to complete a survey with the staff of the TAU within a twelve-day timeframe. The review states that the Council involved both an advocacy group for the Traveller community and the LTACC in the assessment exercise in an attempt to achieve better engagement and feedback to the surveys.

The Council's review states that data from the survey with families were included in the Draft 2019–2024 TAP, but not data from the survey with young people. The review states that:

“this was regrettable as many young people would, within the lifetime of the TAP, themselves form new families and require further housing”.

The review states that the assessment consisted of 47 completed surveys. The review notes that:

“considering that the annual count of Travellers stated that 495 Traveller families lived in the Council area, the number of families participating in the needs assessment was very low and unlikely to be representative of the needs of Travellers within the entire functional area”.

The review suggests that future needs assessments should include Travellers living in accommodation other than the Traveller-specific schemes. The review states that:

“to exclude these Travellers made the assumption that once housed in standard accommodation Travellers have no preference for living in Traveller-specific accommodation in the future”.

It also did not take into account the preferences of grown-up children of these families.

The review states that there are options for Travellers in the private rented sector to apply for Traveller-specific accommodation. However, it is stated that the challenge was trying to quantify what the level of need could be from Travellers living in the private rented sector in order to allow the Council to plan for this need in the TAP.

The Council’s review states that, while all social housing options are open to members of the Traveller community, the TAU generally found that members of this community are slow to engage in the private rented sector. The review notes that some of the issues that can impact a Travellers’ access to or desire to access the private rented sector include discrimination, feelings of insecurity in the private rented sector and affordability.

B. Comparison of funding to comparator group

The Council’s review reports that in the 2016 census, 902 people self-identified as Travellers in Cork City, though in 2019 the city boundaries were expanded. No information was provided in respect of the general population of the Council’s functional area.

In Table 1a of the Council’s review, on capital expenditure for Traveller-specific accommodation, the total sum allocated by the DHPLG for the period 2015 to 2018 amounted to €2,618,344.

According to the review, the total sum drawn down from the DHPLG for this period was €5,311,604.94 and total additional funding from the Council amounted to €70,732.50. It is reported that this was a total expenditure for that period of €5,382,337.

From Table 1b of the review, the total budgeted cost for capital expenditure for Traveller-specific accommodation in 2019 was €1,864,172.

Table 2 of the review sets out current expenditure for 2015 to 2018 on Traveller-specific accommodation. It shows that no funds were allocated. According to the table, a total of €856,870 was drawn down. In addition to this, it is reported that the Council expended €2,333,664 of local authority funding.

Table 3 of the review sets out the figures for capital expenditure for general housing for the period 2015 to 2018. It reports that the total allocation from the DHPLG was €4,224,218 and the total drawdown for this period was €150,726,226. It reports that the total additional local authority funding for this period came to €1,230,328.96. According to the table, this resulted in a total expenditure of €151,956,555.

The current expenditure on general housing for the same period was set out in Table 4 of the review. No figures were included in the allocation of funds column, which read as not applicable. The table states that the total sum drawn down was €56,910,162 and the total expenditure from local authority funding amounted to €147,342,381. According to the table, this amounted to a total current expenditure of €204,252,543.

C. Adequacy of funding

Table 5 of the Council's review shows that the number of families living on unauthorised sites grew by 12 between 2012 and 2017 and the number of families sharing housing has increased by nine. The review notes that the increase in these figures indicates that there is a growing issue in the Council area with the accommodation of Travellers.

The review states that the Council does not have a waiting list for Traveller-specific schemes as it plans to allocate the units on completion. It is stated that all the planned development is at existing sites and will be filled by families already living on these sites. There are no new sites listed in the TAP. The Council's review suggests that a waiting list for Travellers who have preference for Traveller-specific accommodation would make the level of need more quantifiable and make the process more transparent. The review states that:

“currently, it is difficult to draw conclusions around how far provision goes towards meeting the accommodation needs of Travellers in the Council area as there is no way to know how many Travellers are currently in need of Traveller-specific accommodation and how many will need it in the near future as a result of new family formation”.

The Council’s review suggests that issues of overcrowding experienced on some of the sites indicates that more Traveller-specific accommodation may be required than was outlined in the Draft TAP 2019–2024 as of October 2019. The review highlights that Traveller organisations argue that there is a lack of choice in Traveller-specific accommodation.

The Council’s review suggests that, just as the needs assessment should provide quantitative measures for the number of families, the proposals in the TAP of projects to be completed should also contain quantitative targets to indicate how many families will benefit from them. The review advises that without this it is a challenge to assess whether the targets and proposals contained in the TAP are adequate to meet Traveller accommodation needs within the Council area.

The Council’s review notes that the proposed projects set out in the TAP may not be sufficient on their own to address the problems of overcrowding encountered in halting sites. In particular, it is noted that all proposals involve existing residents being rehoused in new schemes and the number of sites is not due to increase, while representatives of the Traveller community have expressed the preference for a larger number of small halting sites. It is however noted that, since the commencement of the Council’s review process, the TAU had commenced searching for smaller sites for rehousing Travellers affected by the overcrowding in the Spring Lane halting site. The review states that ‘the opening of new sites for Traveller-specific accommodation presented numerous challenges.’ The Council’s review finds that the 2014–2018 TAP has done little to increase the overall stock of Traveller units, and notes that this could cause challenges when the younger population begin to form their own families. The review notes that at the time of writing overcrowding was stated to be a problem in Spring Lane, St. Anthony’s Park (specifically due to new family formation) and Meelagh Group Housing Scheme.

D. Whether all funding allocated drawn down

The Council's review states that a number of capital projects in the TAP have not progressed for various reasons. It provides as an example planned works at Spring Lane and Ellis Yard, which it states faced a number of obstacles over the last few years, the most significant of which was the obstruction of ongoing works on the site. It states that these obstacles include alleged serious intimidation of contractors attempting to work both at Ellis Yard and Spring Lane. It is stated that this caused some health and safety concerns on the site as necessary works could not be carried out in a timely fashion.

The Council's review states that as a result of illegal dumping activity on the site, a significant clean-up was commenced in February 2019 and was completed in March 2019. It states that, as part of this clean-up, fencing was to be erected around the site so as to prevent further illegal dumping. However, it states that these works were obstructed and interfered with. The review states that, as of October 2019, no resolution to this issue had been found and the fencing remained in storage. The review notes that a group housing scheme is planned for the Ellis Yard site, but that as of October 2019 this was still in the proposal phase and the Council had stated that it envisaged challenges to the delivery of this project.

The Council's review states that in an attempt to overcome some of the issues the Council are facing at this site, CENA Traveller-led housing association were enlisted to undertake a consultation with residents living on this site:

"in order to gather up-to-date information on the accommodation preferences of those living there on a Traveller-to-Traveller basis".

The review states that CENA were due to report back with their findings to the Council on 21 October 2019, after the submission of the Council's Equality Review.

In a letter of 19 June 2020 providing further clarification, the Council states that among the reasons why the entirety of the allocated funding was not drawn down was because it had encountered serious disruption and opposition in its efforts to progress various elements of infrastructure and safety works in and around the site. It is stated that such

activity and behaviour made it exceedingly difficult for the Council and its service providers to control the health and safety of its employees and the public. Other reasons included adverse weather conditions (storm Ophelia, storm Eleanor and storm Emma).

The Council's review notes that all monies for projects proposed by the Council must be drawn down from the DHPLG within one calendar year. It states that this means that the Council has one year to complete projects from first proposal, including engagement with Travellers and other stakeholders, project planning, drawing of contracts, and implementation of projects. It is stated that this limits the Council to projects that can be carried out within one year, and means that the TAU is tied to a parallel timeframe for all projects. It states that the requirement for engagement with Travellers before applications are made means that, where projects are refused, Travellers can be disappointed and relationships can become difficult.

The Council's review states that:

"despite best intentions there are many reasons why projects are not completed within a calendar year, including communications and engagement with the Traveller community, engagement with residents, elected representatives, procurement, negotiations with contractors engaged to undertake works."

The review says that:

"this is mirrored in the experience of other local authorities",
citing page 48 of the TAER 2019. It states that if projects run over the end of the calendar year they lapse and new applications must be submitted by the Council for approval by the DHPLG.

The Council's review observes that the timeframe for funding projects is a major constraint and could be remedied if the timeframe for projects was extended. It recommends that the project cycle should be aligned with the lifetime of the TAP, which is over five years with intermediate reviews built in to ensure progress is being made.

In the letter of further clarification of 19 June 2020, the Council states that the requirement to submit capital submissions at the beginning of each year on projects that are proposed has changed. It states that the procedure now in place is that local authorities apply for funding only when they are in a position to submit a detailed proposal. The Council believes that this facilitates project teams in preparing complete project plans and budgets based on the feasibility and constraints pertaining to such works.

E. Any further issues of equality of opportunity

The Council's review highlights that the TVG has identified difficulties Travellers can face with the operation of the CBL system. As an electronic system, the TVG feels that it disadvantages Travellers who are not IT literate and / or do not have access to the internet. The review notes that the findings of Census 2018 found that 59.9 % of Travellers were without internet access in their home, compared to 18.3 % for the general population. The review states that:

"this form of digital exclusion placed Travellers at a distinct disadvantage to the general population as the process for applying for local authority housing is online based."

The review states that:

"while TVG recognised that there was some assistance available through the CBL, they found that it nevertheless required additional journeys to the city centre and disadvantaged applicants who are non-IT literate".

The Council's review notes that to remedy these inequalities faced by Travellers, the TVG recommended the re-introduction of a 'case-management' system for Travellers.

The Council's Equality Review makes the following recommendations:

- That the assessment of need in future TAPs include an estimate of the number of Traveller families and households for whom accommodation will be required at the commencement and conclusion of the programme, and the need for sites as required in the legislation;

- To ensure accurate statistical data future surveys should be carried out with peer researchers (Travellers) assisting in the survey and giving respondents the option to take part in locations other than the local authority offices in order to increase response rates;
- Forward planning based on household formation rates and other demographic indicators should be undertaken to estimate future accommodation needs of Travellers within the jurisdiction of the Council and inform future TAPs;
- That the impact of targets within the TAPs be estimated in terms of the number of additional families housed within Traveller-specific housing or through other means;
- That further goals be set to extend Traveller-specific accommodation within Cork City, in particular to alleviate the overcrowding in halting sites;
- The process of identifying locations for smaller halting sites situated around the city should be progressed;
- In consultation with the DHPLG, that consideration be given to reviewing the funding cycle for local authority projects on Traveller accommodation. This should be altered to the lifetime of the TAP, and that the achievement of targets be reviewed periodically throughout the programme; and
- That the Council and the Traveller community engage with each other in a manner that is based on recognition of the need for safe working and living conditions for all concerned.

Section 2 Issues arising

On the basis of the information provided by the Council, as summarised in Section 1, the Commission has considered the following issues arising:

The process of completing the Equality Review

The Council's Equality Review reflects a comprehensive approach taken by the Council in identifying and assessing the equality issues arising in the delivery of the Council's TAP. This is evidenced by: the Council's commissioning of an independent team to conduct the Equality Review; the consultative approach taken by the team, including with local Travellers and Traveller organisations; the identification of equality of opportunity issues; and the development of recommendations to respond to the issues identified.

Engagement and consultation with the Traveller community

The Council has a number of good initiatives aiming to sustain continuous consultation with members of the Traveller community. It has a dedicated TAU, the staff of which, the review states, engage with mainly families on a daily basis, offering meetings on a drop-in basis, and advocate on their behalf to the Housing Allocations Section on a weekly basis where a family expresses an interest in standard housing. The TAP further indicates that the Council's TAU engages with residents on Traveller-specific accommodation on a daily basis and is open to setting up regular estate management meetings. However, there is no reference to any formal sustained structures for effective tenant participation in estate management in Traveller-specific accommodation.

The LTACC is identified in the Equality Review as an important site for Traveller participation in decision-making on Traveller accommodation. However, the Equality Review notes a perspective from a Traveller organisation of issues in the focus for the deliberations of the Committee being more on specific problems on existing sites than on the broader response to the accommodation needs of Travellers in the area. However, it is stated in the review that, in the months prior to the submission of the Council's Equality Review, TAP targets had been on the agenda at all LTACC meetings.

The review states that the Council has engaged in a Traveller mediation service, held group meetings with members of the Traveller community and that it invited and received a large number of submissions from stakeholder organisations in drafting its current TAP. The Council engaged CENA in addressing some of the issues on the Spring Lane/Ellis Yard site. CENA worked with residents to gather information on accommodation preferences. The Council has further liaised with CENA to develop a new approach to assessment of need for planning of and management of Traveller-specific accommodation.

Accommodation needs and true preferences

Standard housing is made available to Travellers through local authority social housing provision, though an extensive waiting list is noted for the city. There are no data available on Traveller uptake of such provision. Social housing is to be applied for through the Council's CBL system. While a public counter is made available to support applicants with the system, it is noted in the Equality Review that this system, being electronic, raises issues of digital exclusion and puts Travellers at a disadvantage given low rates of internet access and digital literacy issues

There is no reference in the Equality Review or the TAP to action to support integrated diverse communities where Travellers and settled people are resident on the one estate. The TAP does not take account of families currently in standard housing and their aspirations.

Travellers applying to the Council for accommodation are enabled to choose more than one preference in type of accommodation. This enables a better capture of actual preferences, in a context where perceived lack of provision of Traveller-specific accommodation influences a stated preference for standard housing. Travellers in receipt of RAS and HAP can also express an interest, by engaging with the TAU, in moving to a group housing scheme.

The Equality Review notes the importance of giving consideration, in interpreting and predicting needs, to the manner in which the local authority's previous provision of Traveller-specific accommodation might be shaping articulated accommodation preferences. It highlights that the needs assessment survey points to overcrowding as

a problem and this could pressure Travellers to opt for standard housing. It emphasises the importance of a wider focus for the needs assessment by including Travellers in standard housing, to avoid any assumption that once housed in standard accommodation family members would not have a preference for Traveller-specific accommodation or that their children once grown would not have such a preference in the future.

The Equality Review identifies flaws in the system to capture and record the accommodation needs and preferences of Travellers. A survey of families and of young people was carried out among those living on Traveller-specific accommodation schemes for the TAP 2019-2024. While this was a very confined survey, it was usefully conducted with a peer-to-peer dimension with the involvement of local Traveller organisations. However, families in other than Traveller-specific accommodation schemes were not included and any future survey could be enhanced by including members of the Traveller community resident in standard accommodation in order to determine their future housing needs.

The Equality Review reports that there were 47 completed surveys on foot of 95 invitations, a decrease on the 78 completed for the previous TAP, and compared to the 495 Travellers estimated, from the annual count, to be living in the Council area. Families had to present to the Council to complete the survey. The Equality Review concludes that the needs assessment was unlikely to be representative of the needs of Travellers within the Council area.

According to the TAP, of the 47 families that responded to the survey, 87% indicated that they were not satisfied with their current accommodation. Overcrowding and inadequate standard of accommodation were the main issues identified in this regard. The TAP records that of those responding: 47% indicated a preference for standard housing; 47% for group housing; 6% for halting site accommodation; and 40% identified that they would consider HAP. This is already a limited survey, and the Equality Review raises further issues in relation to the identification of preferences involved.

Current commitments and actual need

The Equality Review found it impossible to establish the extent to which the current provision committed to, by the Council, would go towards meeting Traveller accommodation needs, noting that the current level of overcrowding indicates that further Traveller-specific accommodation might be required. The Equality Review notes the following in this regard: there are no new sites planned under the current TAP; all planned development is for existing sites, to be filled by families already living on these sites; the number of Traveller families living on unauthorised sites grew by 12 and the number of families sharing housing increased by nine between 2012 and 2017; the lack of quantitative targets for the developments proposed in the TAP; and the inability to know how many Travellers are currently in need of Traveller-specific accommodation and how many will need it in the near future as a result of new family formation. It suggested that a waiting list for Travellers who have preference for Traveller-specific accommodation would make the level of need more quantifiable and make the process more transparent.

The TAP indicates its coverage as being those families living within the jurisdiction of the Council and its predicted expansion. No further detail is provided in relation to provision for Travellers moving into the jurisdiction with a local connection in accordance with the 2011 Assessment Regulations.

The Equality Review identifies that no transient site targets are included in the TAP, and notes that the Council states that no need for a transient site was found under the assessment of need. The TAP identifies, however, that 32% of respondents in the narrow survey conducted, indicated there was a need for transient sites. The Equality Review notes that the Council allows family visitors to stay close to their relatives on the existing halting sites/group housing schemes in recognition of the transient culture of the Traveller community. While such flexibility is important, this appears to be an inadequate response to the nomadic tradition of this community as it is currently pursued. The DHPLG has made clear in Circular 03/2020 that funding is available for transient sites. These could serve for multi-purposes: sites traditionally used at certain times of the year; sites for transient families; and facilities for regular visitors to residents of permanent accommodation. They could also serve as overflow sites when

issues of overcrowding or the need for temporary accommodation during refurbishment works arise.

Traveller ethnicity and culture

The TAP, usefully, explicitly acknowledges Traveller ethnicity. It commits to make every effort in the provision of Traveller-specific accommodation where this is the preferred option. However, a narrow boundary is put on this commitment in that the TAP further states that the expectations of Traveller families need to be 'realistic' and alternative accommodation options need to be explored by the families. This limitation is neither explained nor elaborated on.

The TAP usefully acknowledges the importance of horse ownership within the Traveller community. It states an intention to collaborate with the relevant agencies to develop a solution that would benefit Travellers and ensure horses are cared for. However, there is no detail to give substance to this intention.

The private rented sector

The Equality Review notes the private rented sector as a very precarious form of accommodation. It points out that Travellers are slow to take up such provision given issues of discrimination, insecurity, and affordability. It suggests that private renting is viewed by Travellers as a temporary measure to meet short to medium-term needs. There is no reference in the Equality Review or in the TAP to action to address the barriers experienced by Travellers in seeking to access the private rented sector. The TAP does not take account of families in the RAS or HAP schemes and their aspirations.

The review states that discrimination is an issue that may impact access to or impact desire to access the private rental sector. It would be of further assistance if staff of the Council were trained to be aware of legal avenues that could be taken by members of the Traveller community who experience discrimination in accessing services in order to be able to inform individuals of these avenues. Any forms of discrimination should not be tolerated.

Travellers' experience of homelessness

The Equality Review notes that Traveller families who are at risk of homelessness or who are using homeless services can avail of the Place Finder scheme, which will pay the deposit and the first month's rent for a property. The TAP establishes that there are 16 families registered as homeless that identify as Travellers. There is no reference to any action to establish the specificities of Travellers' experience of homelessness or to address specific needs of Travellers in a manner to secure positive outcomes from homelessness services.

Draw down of funding

In respect of sums allocated by the DHPLG for capital expenditure for both Traveller-specific accommodation and general housing for the period of 2015 to 2018, the overall sums drawn down in both cases were greater. While the ratio between spending for capital expenditure on Traveller-specific accommodation to general housing was €5,382,337 to €151,956,555, or 1 : 28, in the absence of figures for the general population of the functional area of the Council, no meaningful comparison can be made in this respect.

The Council identified barriers in the requirement to draw down funds for a project within one calendar year, in a context where many projects cannot be completed in a calendar year leading to the need for a new application to be submitted. It notes that this procedure has now been changed.

Reported obstruction of refurbishment works

A concerning aspect of the review is the report of acts of obstruction of refurbishment works to existing halting sites. The Council reports specific challenges in relation to the planned redevelopment of the Spring Lane/Ellis Yard site. This site has suffered a long-running delay in its development. It is a site with significant health and safety risks for residents. The Council reports that remedial works on the site are reported as facing obstruction, including through alleged intimidation of contractors attempting to work on the site. Violence, and threats of violence, as alleged, should never be accepted. The Council should take steps to determine the cause for such actions, including why residents on a site requiring refurbishment would be opposed to works, in order to

identify any underlying issues and how buy-in might be achieved. Consultation is crucial in adequately meeting the accommodation needs of members of the Traveller community. It is noted that CENA was engaged in an attempt to overcome some of the issues at this site and to consult with residents at this site in relation to their accommodation preferences and was due to report to the Council on 21 October 2019.

The Public Sector Equality and Human Rights Duty

There is no reference in the Equality Review or in the TAP to the requirements of the Public Sector Equality and Human Rights Duty and no evidence that these have been met.

Section 3 Recommendations

The Commission recommends that the Council should undertake the following actions to strengthen the level of equality of opportunity and non-discrimination in its systems for the provision of Traveller-specific accommodation services.

1. Address policy and procedures to respond fully to the recommendations set out in the Equality Review, including:
 - that the assessment of need in future TAPs include an estimate of the number of Traveller families and households for whom accommodation will be required at the commencement and conclusion of the programme, and the need for sites as required in the legislation;
 - to ensure accurate statistical data, future surveys should be carried out with peer researchers (Travellers) assisting in the survey and giving respondents the option to take part in locations other than the local authority offices in order to increase response rates;
 - forward planning based on household formation rates and other demographic indicators should be undertaken to estimate future accommodation needs of Travellers within the jurisdiction of the Council and inform future TAPs;
 - that the impact of targets within the TAP be estimated in terms of the number of additional families housed within Traveller-specific housing or through other means;
 - that further goals be set to extend Traveller-specific accommodation within Cork City, in particular to alleviate the overcrowding in halting sites;
 - the process of identifying locations for smaller halting sites situated around the city should be progressed; and
 - that the Council and the Traveller community engage with each other in a manner that is based on recognition of the need for safe working and living conditions for all concerned.
2. Address policy and procedure for:

- ensuring a respect for Traveller culture and identity in the provision of accommodation services to Travellers, and specifically in relation to horse ownership;
 - assessing, tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
 - establishing appropriate processes for Traveller tenant participation in estate management on Traveller-specific accommodation;
 - implementing the local connection requirements for Travellers moving into the jurisdiction to have access to Traveller-specific accommodation;
 - establishing and developing a response to the needs of Travellers who are nomadic within and through the city functional area, through the provision of transient halting site bays;
 - responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;
 - tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
 - developing culturally specific responses to the needs of Travellers experiencing homelessness; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
3. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).

4. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past).
5. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. This officer could also make efforts to engage with members of the Traveller community on any other issues arising. They could also assist with online applications where members of the Traveller community have no access to the internet. The Traveller Liaison Officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
6. Carefully assess the contents of the report it was due to receive from CENA on 21 October 2019 and publish any steps taken to address the concerns of residents of the halting sites in question and to address the safety issues arising more generally.
7. Record data on both expenditure incurred for Traveller-specific accommodation and general accommodation to help inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
8. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

In conducting any equality review, the Commission requested that the Council would address and report on the following:

- (a) The practices, procedures and other relevant factors in respect of the provision of accommodation services to members of the Traveller community within the Council's functional area;
- (b) The amount of funds allocated by the Department of Housing, Planning and Local Government that the Council requested to draw down in each of the last four years;
- (c) The amount of funding applied for by the Council to the Department of Housing, Planning and Local Government, but which was not drawn down;
- (d) If the entirety of funding allocation was not drawn down, to provide the reason(s) for this;
- (e) For each of the previous four years, the projects for which the Council applied for funding from the Department of Housing, Planning and Local Government and to confirm which of these received funding. To also confirm which of these projects were completed, and if not completed, to advise of the reason(s) for this;
- (f) To confirm the amount of funding in respect of general or standard housing available to the Council in each of the previous four years, the amount requested to be drawn down and the amount in fact drawn down in each of these years;
- (g) The impact that any failure to draw down allocated funds has on the Council's statutory duty to provide sites for caravans, including sites with limited facilities;
- (h) To confirm the amount of funding in respect of the provision of Traveller specific accommodation already applied for and/or that will be applied for in 2019;

- (i) To specify how the issue of applying for and drawing down funding is to be addressed in the Council's strategy for securing the implementation of its Traveller Accommodation Programme;
- (j) Whether any issues of equality of opportunity or discrimination arise in respect of the above-mentioned practices, procedures and other relevant factors with regard to the provision of accommodation services to members of the Traveller community and the failure to draw down funding for Traveller specific accommodation; that is, are these practices, procedures and other relevant factors conducive to ensuring that service users who are members of the Traveller community can avail of accommodation services on an equal and non-discriminatory basis with service users who are settled persons/not members of the Traveller community; and
- (k) Any recommendations and/or findings arising from the review.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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