

An account of the
Equality Review carried
out by Fingal County
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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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 Fingal County 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 05 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 it's Housing and Community Division:

"has a dedicated staff quotient with a specific responsibility for proper practices and procedures in relation to the delivery, management and maintenance of accommodation services to members of the Traveller community".

According to the Council:

"the Division 'is responsible for ensuring that all parties concerned with Traveller accommodation are kept informed with regard to the development of proposals for permanent Traveller-specific accommodation".

Its staff:

"meets with residents' associations or other community groups to discuss matters relating to the management and maintenance of Traveller accommodation located in their area".

The Council states that it is principally through the estate management staff, in conjunction with the LTACC, and through contacts built up with residents, that close working links with Traveller representative groups are fostered:

"in an effort to prevent and reduce anti-social behaviour and manage estate management and housing maintenance issues including waste management issues".

The Council states that 'significant engagement and consultation also occur with families prior to and during construction work on new schemes. The Council submits that its recently completed housing scheme at Cappaghfinn is:

"a prime example of a successful engagement process between the local authority and a Traveller family group in need of accommodation".

The Council states that, prior to the adoption of the TAP 2019-2024, it carried out an assessment of need on the accommodation needs of Traveller households for whom accommodation would be required during the period of the plan. It states that this assessment also included an assessment of the need for transient sites. In addition, it states that in November 2018 a survey of Traveller families living in the county was carried out and staff from the Housing Division visited halting sites, group housing schemes and Traveller families living in standard housing to determine their current and future needs. The review states that all Travellers currently residing in Traveller-specific accommodation were visited individually by staff. It is reported that the assessment of accommodation needs indicated that 509 Traveller families currently reside in the county and that a total of 335 of the total families canvassed expressed varying preferences for accommodation within Fingal. The Council states that this represents a 66% return and the:

“overwhelming desire amongst families was for the provision of standard housing accommodation”.

The Council states that all standard housing services are open to members of the Traveller community and it reports the recorded preferences arising from the assessment carried out prior to the adoption of the current TAP as follows:

- Remain in current accommodation: 57%
- Standard housing: 28%
- Group housing: 14%
- Halting sites: 1%

In terms of addressing the ongoing accommodation needs of members of the Traveller community, the Council states that ‘all tenants of official halting sites/group housing schemes are required to sign a license/tenancy agreement prior to taking up occupation of their accommodation and to abide by the terms and conditions contained therein’ and that:

“tenants also receive a copy of the Tenants Handbook outlining requirements of both tenant and landlord”.

The Council states that ‘tenancy induction is given to all new tenants’ and that:

“this gives an opportunity to meet with new neighbours, community representatives and local agencies including the Public Health Nurse, Community Garda and local school’s teaching staff”.

The Council states that all tenants are required to pay a rent for the type of accommodation they occupy. It states that

“tenants of halting sites are required to pay a flat/nominal weekly rent while tenants of group housing schemes will be required to pay a rent in accordance with the Council’s differential rent scheme”.

The Council states that:

“all requests for maintenance are noted and recorded in an electronic maintenance recording system and all requests are logged as soon as they are received by the Maintenance Division”.

This system sets a ‘target completion date’ automatically depending on how the request is categorised e.g. routine, urgent, emergency. The Council states that this enables the Housing Section to monitor and ensure that maintenance works are carried out within a specific timeframe. It states that works of an emergency nature will continue to be awarded priority status, and such works include electrical repairs and maintenance issues of a health and safety nature. It states that there are some maintenance issues that are tenants’ responsibility and further details can be found on the Council’s website and in the Tenant’s Handbook.

The Council states that:

“environmental works, including hard and soft landscaping, to improve the living environment of Traveller residents and general appearance of the sites is augmented on an annual basis as part of the Traveller-specific maintenance programme”.

It states that these programmes are not provided to standard stock.

The Council states that it adopted its Anti-social Behaviour Strategy in October 2010 and this strategy applies to all Traveller sites and underpins the Council's approach to the prevention and tackling of anti-social behaviour. The Council states that:

"anti-social behaviour will not be tolerated in any Council, Traveller-specific or standard housing accommodation".

It states that

"[e]qually, any verbal abuse, threats or intimidation of council staff will not be tolerated and will be dealt with in consultation with An Garda Siochana".

In its letter of clarification of 5 June 2020, the Council sets out additional supports available for members of the Traveller community to facilitate their access to accommodation services. The Council states that a Housing Welfare Officer is assigned specifically to assist vulnerable households, that there is an on-site inspectorate service available, and site inspections are ongoing. The Council states that there is:

"ongoing engagement between the Council and various NGOs and other community-based advocacy groups and service providers".

The Council states that it also has:

"communication with relevant stakeholders who assist with the requirements of households, particularly vulnerable families and those with medical needs who may need access to specialised housing support services".

The Council highlights that its 'Citizen Charter':

"provides a mechanism for submitting a formal complaint if a member of the public is not satisfied as to the manner in which they were dealt with by a member of staff".

The Council sets out its processes to ensure the targets set out in its TAP are met¹ as follows:

- Monthly technical meetings with administrative and technical staff from the Council;
- Bi-monthly technical meetings held with Council officials and officials from the DHPLG;
- Monthly meetings between the Director of Services and senior administrative staff;
- Monthly progress reports to the Chief Executive;
- Monthly circulation of reports to the elected members;
- Annual briefings in conjunction with fire safety reports; and
- Regular meetings with the LTACC.

B. Comparison of funding to comparator group

The Council states that:

“there are currently 509 Traveller families living in the county of Fingal which comprises circa 0.52% of the total households in the county”.

It states that:

“there are currently 6,028 (net) approved households on the Council’s waiting list for Social Housing support, of which 218 or 3.6% are members of the Travelling Community”.

It states that it is:

¹In June 2021, after receiving a draft copy of this account of the Council’s Equality Review, the Council advised that meetings on the TAP and the Housing Construction Programme are coordinated to maximise efficient use of public funding and ensure that the Council meets corporate governance obligations.

“currently in contact with 628 families in the county who are homeless or at risk of homelessness 25 of whom are Traveller families (3.9%)”.

The Council sets out that total capital expenditure on Traveller-specific accommodation from 2015 to 2018 amounted to €3,398,222 and total revenue expenditure for Traveller-specific accommodation over the same period amounted to €6,753,538.

The Council gives figures for the total allocation and draw down of sums for Traveller-specific accommodation, which seem to comprise both capital and revenue expenditure.

The Council provides that from 2015 to 2018, the total sum allocated was €1,549,878 and the total sum drawn down was the greater sum of €1,950,052. In 2015 and 2018, there was an overspend, whereas in 2016 and 2017, there was an underspend.

The Council provides that in respect of funding drawn down for standard housing acquisitions from 2015 to 2018, the total sum came to €106,385,255.

In respect of intended expenditure for 2019, the Council states that it has requested funding from the DHPLG to allow the refurbishment of a 30-bay halting site at St. Mary's, Cappagh. It states that the application has been submitted and is currently being considered and if granted, this allocation would be in the amount of €1 million. The Council stated that staff from its Housing Department would be meeting with the DHPLG to discuss funding for further projects which may be required in 2019 and over the life of the TAP. In respect of planned revenue expenditure, the Council states that “the 2019/2020 budget for the maintenance and management of Traveller-specific Accommodation includes significant amounts from Fingal County Council's own resources”. It notes that the average annual maintenance cost (for 2018) per Traveller-specific unit was €7,379.35.

C. Adequacy of funding

The Council states that the review group:

“could not determine any evidence that a failure to draw down funding impacted on the delivery of sites for caravans”.

The Council:

“noted that desire for such accommodation among the Traveller population in the county is reflected at 1% and that there are currently 25 halting site bays void in the County which should adequately meet the reflected demand and indeed significant future capacity”.

The Council states that, having reviewed the provision of accommodation to date under the TAP 2014-2018, it is noted that 175 families have been accommodated in standard housing – both Council owned stock and leased units under the RAS and long-term leasing schemes. The Council notes that in 2019, 16 families² had been provided with such accommodation as of October of that year.

The Council states that during the life of the previous TAP 2014-2018, it issued approvals for a total of 116 loans under the caravan loans and grants scheme for the purchase of caravans in the sum of €1.1million.

D. Whether all funding allocated drawn down

The Council states that:

“in accordance with the accounting system, project specific funds approved in any given year may be carried over and drawn down in subsequent year, with approval from the Department”.

The Council notes that:

“this may appear as a failure to draw down [sic] down funds, however it is dependent on the project timelines”.

The Council provides that between 2016 and 2017, there was a failure to draw down €36,269. It states that the reasons for this:

² In June 2021 the Council advised that it had housed 13 families in standard housing and 3 families in existing bays.

“include lack of technical resources and pressure on other areas of Traveller accommodation including the maintenance and management of existing stock”.

The Council highlights that in both 2015 and 2018 it applied for and was granted additional funding above its original allocation. As stated above, the Council provides that Housing Department staff would be meeting with the DHPLG to discuss significant further funding required in 2019 and over the life of the current TAP and that details of proposed capital works are provided to the DHPLG each year.

In a letter of clarification dated 5 June 2020, the Council notes that the completion of capital projects undertaken by a local authority may span more than one financial year and states that “[n]otwithstanding this, the funding applied for and approved by the DHPLG has heretofore been regarded as an annual allocation based on projected capital outlay. This has resulted in perception of an underspend if schemes do not progress as envisaged, and is not a true reflection, rather an accounting process”.

The Council draws attention to the fact that the DHPLG has reviewed the mechanisms for funding drawdown from 2020 onwards. It states that in accordance with Circular 03/2020, it is now open to all local authorities to apply for and draw down funds at any time throughout the year in adherence with the single-stage and four-stage approval processes on a case-by-case basis.

The Council states that of all planned Traveller accommodation projects in the period 2015 to 2019, only one project - the Collins Park replacement project - did not proceed and no funding was drawn down from the DHPLG for this.

In the letter of clarification of 5 June 2020, the Council sets out the reasons for this as follows:

“A 10-bay halting site scheme at Coolquay had progressed through the statutory process and was approved by the elected members of the Council in July 2018”. However, in the High Court in October 2018, Fingal agreed to an Order quashing the decision of the Council to grant permission for Traveller accommodation at Coolquay on the grounds that screening for environmental impact assessment (EIA) should have been carried out.

The Coolquay site had been identified as the new home for a number of families from the site at Collinstown park which is being vacated to facilitate the Dublin Airport Authority's National Infrastructure project on the construction of the Northern runway.

Following this Order, the Council considered all options to ensure that the Collinstown Park residents were relocated, whilst remaining mindful of the importance of having the matter resolved in the context of the delivery of the National Strategic project".

The Council states that:

"in addition to the above, the families living at Collinstown Park reconsidered their original preference for halting site accommodation and indicated to the Council their wish for alternative housing accommodation".

The Council stated that, as of 05 June 2020, of the 22 families who were living at Collinstown Park, there were only seven remaining.

The Council advises that "a site at Stockhole Lane, Cloghran, Co. Dublin has been identified as a suitable alternative to the Coolquay project and Capital funding has been approved by the DHPLG in the sum of €2,651,673 for the provision of a 7 Dwelling Group Housing Scheme which it is proposed could meet the accommodation requirements of Collinstown families, in conjunction with other forms of accommodation i[f] necessary, depending on the families housing needs".

The Council states that it "has applied to the DHPLG for permission to commence this project having regard to requirements under Covid19 which will allow for special measures in relation to the procurement process, thereby allowing for construction works to commence in Q3 2020 and to be completed as quickly as possible".

In respect of the St. Mary's Refurbishment Project, which was stated to be ongoing in the initial Equality Review response, updates on its progress were provided by the Council in its letter of clarification on 05 June 2020. The Council states that the sum of €1.1 million had been drawn down as of June 2020, of which €500,000 was spent. The Council states that "phasing of works is progressing despite the challenges of having to

adhere to the public health restrictions in respect of the Covid pandemic". The Council reports that there were "incidences of intimidation and threats by families who are not included in the works, which has resulted in delays with the completion of refurbishment works". The Council reference an alleged incident on site on 2 June 2020 and reports that works were suspended until this issue was resolved. The Council states that "contact had been made with the DHPLG and it is hoped to utilise the ITM mediation facility in order to attempt to resolve matters in this regard, in conjunction with dialogue with the families".³

E. Any further issues of equality of opportunity

The review group that carried out the Equality Review on behalf of the Council made the following findings and recommendations:

- The review group has noted a strong commitment, having interviewed a number of staff at technical and administrative levels, in relation to the provision of accommodation services to Traveller families in the county. A number of Traveller families have also been surveyed and interviewed as part of this review;
- A Working Group was established [to develop a training resource], led by two joint project co-ordinators, and comprising senior officials from Housing, Community and Libraries Divisions, and Corporate Affairs and Human Resources Departments. Several meetings have taken place with ICI⁴ to progress the development of their proposal;
- It is noted that an application for funding was made by the County Council's Community Division on behalf of the Council to the Irish Human Rights and Equality Commission to develop a Local Authority Training Resource on

³ In June 2021 the Council stated that:

"[a]nti-social behaviour issues are continuing to prevent conclusion of this refurbishment project although efforts to carry out works are ongoing".

⁴ 'ICI' appears to refer to the Immigrant Council of Ireland, though this is not stated in the Council's review.

inter-culturalism and the Public Sector Duty. This application was successful and a grant in the sum of €18,500 was approved for this project;

- During 2018, the ICI was engaged as a consultant to work with the Council to develop a training programme that would incorporate human rights, equality and intercultural issues relevant to its functions;
- The first pilot training session for twenty frontline staff took place on 17th September 2019. Participants included staff from Community, Housing, Libraries and from the Customer Care Units. The training methodology mixes theory, case studies and practical exercises and it was delivered in an interactive mode. The training focuses on developing skills, knowledge and techniques, bringing benefits to both the workplace and their personal lives;
- The review group recommends that dialogue continue with the DHPLG to ensure that adequate funding is available with regard to projects outlined in the TAP. It is also recommended that the Council completes its 'Equality Action Plan' in the coming year, and that consideration should be given to further engagement with the Approved Housing body CENA with a view to the development of a Traveller-specific Scheme in the county; and
- The review group notes that the successful implementation of the Council's TAP 2019 – 2024 is dependent on the Council being able to secure the required funding from the DHPLG and the identification and acquisition, where necessary, of lands required for the construction of new Traveller-specific accommodation. The delivery of the proposed programme is dependent on all necessary consents, planning approvals and the availability of services.

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 Equality Review process

The Council identifies that the review group that carried out the Equality Review was comprised of three senior officers within the Council. It notes that 'a number of Traveller families were surveyed and interviewed' as part of the review. No detail on the numbers surveyed and interviewed or the nature of this survey or these interviews is provided. There is no mention of any participation by the LTACC or by local Traveller organisations, which would have been expected in such a process.⁵

Engagement and consultation

The Council has provided information on its processes for ensuring access to accommodation services for members of the Traveller community. It states that its Housing and Community Division:

"has a staff quotient dedicated to ensuring the accommodation needs of members of the Traveller community are met".

The Council advises that this quotient:

"includes a Housing Inspectorate team who meet with the Traveller families on-site daily and a dedicated Social Worker, all of whom actively support vulnerable members of the Traveller community to acquire and sustain their accommodation and provide information to Traveller citizens who are seeking information on accommodation".

The Council further advises that:

⁵ In June 2021 the Council stated that its officials:

"are in regular contact with LTACC members. Most particular traveller [sic] members of the LTACC in relation to its operational activity and housing solutions for Traveller citizens".

“[i]n addition staff within Estate Management and Housing Support sections engage with members of the Traveller community daily regarding their accommodation needs”.

It states that it is primarily its estate management staff, with the LTACC, that engages with Traveller representative groups. It has a Housing Welfare Officer who is assigned to assist vulnerable households and an onsite inspection service. The Council states that there is ongoing engagement between the Council and various NGOs and other community-based advocacy groups and service providers. It would have been useful if more details were provided on the specific groups in question here and how often meetings or other forms of communication took place.

The Council also states that Traveller families are consulted directly prior to and during construction work on new schemes. The Council cites the completed housing scheme at Cappaghfinn as an example of how this process has worked successfully. It would have been useful if further details had been provided on what the Council deemed to be indicators of success and the particular steps taken to achieve this.

Assessment of need, targets and true preferences

From the information provided, the Council does not appear to have a robust system in place for capturing and recording the accommodation needs of members of the Traveller community.⁶

The Council identifies in the Equality Review that it is:

‘important to note that many Traveller families have expressed a desire to reside in standard accommodation, while retaining their ethnicity and that [t]his

⁶ In June 2021 the Council stated that its:

“dedicated staff resource link in with Traveller families in the county to assess their current and future accommodation needs in conjunction with the statutory assessment of need process undertaken as required by central Government. In addition, the Council utilizes the annual Census to determine the accommodation needs of the Traveller community. Families are also permitted to make submissions under the TAP. The Council uses several systems, including Northgate Open Housing Management System (OHMS), to capture and record the accommodation needs, differential rent and caravan loan payments and housing maintenance requests of Traveller families”

expressed wish is taken into account by the Council in the provision of accommodation”.

The Council identifies that during the lifespan of the TAP 2014-2018, a total of:

“175 Traveller families were accommodated in standard housing”.

However, the TAP 2019-2024 indicates that not all of these 175 outputs refer to standard social housing: 75 of the 175 achieved targets relate to standard social housing; 19 relate to families accommodated on existing halting sites; 21 relate to families accommodated in existing group housing schemes; 4 accommodated through RAS; 10 through long-term leases; and 46 through voluntary housing bodies. This divergence raises concerns in relation to the identification of Traveller preferences, given the position articulated in the Equality Review by the Council in relation to preferences for standard housing.

Further issues arise in relation to the possible shaping of Traveller preferences by under-performance by the Council in meeting targets set for Traveller-specific accommodation, as well as in relation to the Council responding positively to these preferences. The current TAP does not indicate what these targets were, merely referencing units provided. The 2014-2018 TAP indicates that the Council had a target of providing 72 new units of group housing, 23 refurbished units of group housing, and 42 refurbished halting site bays. This represents a significant under-performance given that the reported outcomes merely refer to 21 households provided for in existing group housing units and 19 in existing halting site bays.

The Council states that it carried out an assessment of the accommodation needs of the Traveller community, including the need for transient sites, in preparation for its TAP 2019-2024. The Equality Review and the current TAP describe significant efforts to establish Traveller preferences in the lead up to the preparation of the TAP. This, in the words of the TAP, involved visits by Council staff to halting sites, group housing schemes and those Travellers currently in standard social accommodation to interview as many Travellers as possible in the County to determine the ‘ideal accommodation preference type of each family’.

The current TAP indicates that there are 509 Traveller households in the Council administrative area, however, there is no breakdown of these households by accommodation type, apart from a reference to an estimated 101 Traveller households in private rented accommodation. The source for this estimation is not clarified and the figure of 101 is at odds with the additional information provided by the Council as part of the Equality Review, which indicates a figure of 69 Traveller households in private rented accommodation.

A total of 335 (of the 509 canvassed) households replied to the needs assessment. This encompassed 66% of the 509 Traveller families estimated to reside in the county. Of these 335 households: 193 households preferred to remain in their current accommodation; 93 identified a preference for standard housing; 47 identified a preference for group housing; and 2 identified a preference for halting site bays. The type of accommodation for those preferring to remain in their current accommodation is not provided. The TAP 2019-2024 presents this information in terms of 14% of households requesting a preference for group housing. However, if those households preferring to remain in their current accommodation are taken out of the equation, a significant 33% of the 142 families with an expressed need would prefer group housing.

The Council appears to conflate standard social housing with Traveller-specific group housing in concluding that the:

“overwhelming desire amongst families was for the provision of standard housing accommodation”.⁷

Further, it would have been useful, for example, to include a breakdown of the current accommodation of the 57% who indicated that they wished to retain their current accommodation.

⁷ In June 2021 the Council has advised that, if those households preferring to remain in their current accommodation are taken out of the equation, 65% of Traveller families expressed a preference for standard accommodation. The Council states that this data appears to reinforce the position that most families wish to be considered for standard housing. It further states that it does not conflate standard housing (i.e. social housing stock, namely Council, AHB, RAS and long term lease) with Traveller-specific stock.

There is no reference made to any independent verification of preferences or tracking of these preferences over time. The need for such independent verification and tracking is underpinned by the failure to meet targets for Traveller-specific accommodation, the lack of clarity in the presentation of data on preferences and current situation, and this conflation of standard housing with Traveller-specific group housing.

In relation to projected accommodation needs, according to the Council's TAP 2019-2024 the future needs of children were also assessed as part of the process outlined above. This assessment indicated that 114 children would turn 18 during the years 2019 - 2024 and it was estimated that this will lead to an additional requirement of 29 units of accommodation during that period. In addition, the TAP outlines that there are 56 sons and daughters who are already 18 or over currently living with their parents and that it is estimated that half of this group will require independent accommodation during the five-year period, representing 28 units of accommodation.

Targets of TAP 2019-2024

The current TAP, having regard to identified preferences and projected future needs, establishes targets of 156 standard housing units, and 78 group housing units, a total of 234 units. It notes that the two families that indicated a preference for halting site accommodation can be accommodated through voids on existing sites, with 25 such halting site bay voids noted as available in the Equality Review. The level of private rented accommodation proposed is not identified.

Traveller ethnicity and culture

The Equality Review notes that Travellers' preference for standard accommodation is accompanied with a 'desire to retain their ethnicity'. The Council does not appear to give consideration to the need to proactively respond to the practical implications of cultural diversity in its provision of standard social housing, which is limiting given the significant numbers of Travellers opting for such provision.⁸ As such, there is no

⁸ In June 2021 the Council stated that it:

"has not been advised to date by any member of the Traveller community living in standard housing that their ethnical and cultural needs are being impacted by this type of tenure".

reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates or to making provision to address needs arising for Travellers in relation to their culture and identity.

The housing application process

The Council identifies in the review that there are “currently 6,028 (net) approved households on the Council’s waiting list for social housing support, of which 218 or 3.6% are members of the Travelling Community”. It is not made clear how this figure is calculated and whether the Council use an ethnic identifier in this regard. The Council provides little detail on its processes for making an application for standard social housing, specifically in relation to barriers that Travellers might experience and how these are addressed. There is reference in the additional information provided by the Council to a Housing Welfare Officer assigned to assist vulnerable families. However, no detail is provided as to the nature of this assistance, Traveller uptake of this assistance, and Travellers’ experience of this assistance. There is no reference in the review of the implications for Travellers of the significant waiting list for social housing support.

Private rented sector

There is a high level of Traveller households in private rented accommodation in the area (as many as one-fifth according to the current TAP). Given that national research evidences high levels of discrimination experienced by Travellers in the private rented sector, it is of concern that neither the Council’s TAP nor its Equality Review address this issue or identify what, if any initiatives are in place to identify, track or address this issue.⁹

Homelessness

The Council identifies in the Equality Review that it ‘is currently in contact with 628 families in the county who are homeless or at risk of homelessness 25 of whom are Traveller families (3.9%)’. Similar to above, it is not made clear how this figure is

⁹ In June 2021 the Council has stated that:

“Traveller families residing in the private rental sector are supported where issues arise. The Council’s Housing Inspectorate and Social Worker supports are available to assist in this regard”.

calculated and whether the Council use an ethnic identifier in this regard. There is no identification of the specific experience of homelessness and homeless services by Travellers or specific needs they might have on foot of cultural difference.¹⁰ This is of concern if an effective response to Traveller homelessness is to be achieved.

Halting site accommodation

The Council states that it believes that 25 halting site bays, that are currently empty in its functional area, would adequately meet any existing need for halting site accommodation. However, as noted above, the figure of 57%, whose stated preference was to remain in their current accommodation, was not broken down by type, and this may therefore have an impact on future need for halting site accommodation, taking into account children who may turn 18 during the lifetime of the TAP.

As noted above, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason, feel they have no choice but to apply for social housing. To ensure that the accommodation options of Travellers within its functional area are not for these reasons rather than true preference, the Council should consider offering Travellers the possibility of giving a number of preferences and/or enabling them to remain on a Traveller-specific accommodation waiting list, though accommodated in other forms of accommodation temporarily.

Caravan loans

The Council reports that it is the leading local authority in the provision of caravan loans. Over the period of its TAP 2014-2018 it approved 116 loans under the Caravan Loans and Grants Scheme to a value of €1.1 million. This is of note in a context where many local authorities report a suspension in the implementation of this scheme due to difficulties encountered.

¹⁰In June 2021 the Council has stated that:

“the Council’s Housing Inspectorate and Social Worker supports are available to assist Traveller families who experience homelessness seeking sustainable accommodation”.

Transient sites

The current TAP identifies that the need for transient sites was discussed at LTACC meetings and the views of Traveller families within the county on transient sites were canvassed. The position recorded is that these sites are to be addressed only following:

“full provision of the Travellers Specific Programme requirement of Travellers indigenous to the Fingal area and that transient sites would be provided as part of a network of transient sites throughout all of the neighbouring metropolitan Authorities”.

The current TAP notes that Travellers do congregate during the summer months at various locations throughout the county, to pursue economic activities including trading. A need for transient sites is, therefore, identified. The position taken on the provision of transient sites fails to respond to this, and fails to address the imperatives of cultural difference, given the centrality of movement to the Traveller tradition and the Traveller economy.

Indigenous requirement

There is a further concern in the sole focus on Travellers 'indigenous' to the functional area in the current TAP. The current TAP identifies that it is Council policy:

“to provide Traveller-specific accommodation only for the county's indigenous Travelling community”.

Indigenous is defined as:

“where the household has been permanently resident in the county for not less than three years immediately prior to the adoption of Fingal County Council's Traveller Accommodation Programme 2019-2024”.

The inclusion of this conditionality is a concern, having regard to the provisions in relation to local connection requirements for the general population under the 2011 Assessment Regulations.

Moreover, a requirement of being 'indigenous' to the county should be applied in light of the findings of the High Court in *McDonagh v. Clare County Council*[2002] 2 I.R. 634 in which it was held that:

"a residence or indigenous policy ... must not be applied so rigidly that it becomes an effective bar to any consideration by the housing authority of an application for housing by a member of the Traveller community".

Tenancy arrangements, services and supports

All standard housing services are available to Travellers. Furthermore, all tenants of the Council, whether residing in Traveller-specific accommodation or standard housing are required to sign a tenancy agreement and given a tenant's handbook setting out their obligations and entitlements. Tenancy induction is given to all new tenants and all tenants, including those on halting sites and in group housing schemes, are required to pay some level of rent. The Council employs an electronic logging system for maintenance requests and a complaint mechanism is provided for under its Citizen Charter for members of the public and all residents of its functional area, who were not satisfied as to the manner in which they were dealt with by a member of staff.

One service dedicated exclusively to Traveller-specific accommodation is Environmental Works, including hard and soft landscaping, to improve the living environment of Traveller residents and general appearance of the sites. This is a welcome measure taken by the Council towards addressing the accommodation needs of members of the Traveller community.

The current TAP identifies that the Housing Department encourages tenant participation in the management and maintenance of accommodation and welcomes the formation of resident groups on Traveller-specific sites. However, there are no structures or supports for tenant participation in estate management initiatives reported in relation to these sites and no reference to any supports available to enable such developments.¹¹ This is particularly relevant given the statements by the Council

¹¹ In June 2021, the Council has stated that through its Housing Inspectorate team: 'items such as litter pickers, bags, paint and disinfectant etc.' have been provided to support tenant participation in tenant management and maintenance of accommodation.

in the Equality Review referencing issues of criminal damage, dumping, and anti-social behaviour.

LTACC

The Equality Review makes a number of references to the LTACC and the participation of three representatives of local Traveller organisations. However, there is no reference to supports available to enable effective Traveller participation and no assessment of the Traveller experience of or impact on this structure.¹²

Drawdown and spending

The ratio of drawn down sums for Traveller-specific accommodation as against those for standard housing over this period is 1,950,052 to 106,385,255 or 1 : 54. The ratio of the Traveller population to the general population is 52 : 9948 or 1 : 191. This suggests a healthy proportion of funding is drawn down for Traveller-specific accommodation - however, while the standard housing figure is confined to capital funds, it is not clear whether the Traveller-specific accommodation figure is similarly confined, or also comprises revenue funds. Furthermore, the Council notes that during the lifespan of the 2014- 2018 TAP a total of 175 Traveller families were accommodated in standard housing. This detracts from the utility of comparing Traveller-specific funding figures to standard housing funding simpliciter in that the accommodation needs of some Travellers are met in the latter.

The Council reports that there has been no failure to draw down money in respect of allocations made for Traveller accommodation and that drawdown has been greater than the total allocation over the period 2015-2018. However, as noted above, there is significant under-performance in meeting the targets set in the TAP 2014-18 for Traveller-specific group housing (new units and refurbished units.)

At the same time, it is reported in the Equality Review that funds allocated in 2016 and 2017 of €36,269 were not drawn down due to lack of technical resources and pressure on other areas of Traveller accommodation, including the maintenance and

¹² In June 2021 the Council states that it is 'not aware of any additional supports required to enable [LTACC] participation' – however it 'remains fully committed to providing such supports on request'.

management of existing stock. The Council explains that some of the projects in question spanned more than one financial year. It noted the new Housing Circular of the DHPLG and that it was now open to all local authorities to apply for and drawdown funds at any time throughout the year in adherence with the single-stage and 4-stage approval processes on a case-by-case basis.

It is reported that in 2018 the Collinstown Park replacement development did not proceed. The proposal for a ten bay halting site at Coolquay for the families at Collinstown Park was stopped due to court proceedings for failure to conduct screening for environmental impact assessment. In the interim, families changed their preferences and only seven of the 22 families remained on the site. A site on Stockhole Lane has now been approved for funding.

Delays in the refurbishment project for St. Mary's halting site are reported as being due to intimidation incidents on site against construction workers by families not included in the refurbishment. The Council indicates that it intends to engage with the ITM mediation facility to resolve this issue. It is crucial that the Council obtains the buy-in of Travellers: they must be consulted and their concerns taken on board in advance of the planning phase for any works.

The Council sets out a number of periodic meetings of different sections within the Council as a means of ensuring the targets set out in its TAP are met. These meetings all seemed to be of a general nature rather than Traveller accommodation specific (except for the meeting with the LTACC) and it was not clear what measures were in place to ensure that TAP issues in particular were discussed and followed up.

Public Sector Equality and Human Rights Duty

It is noted that the Council has secured funding from the Commission to develop a local authority training resource on inter-culturalism and the Public Sector Duty. The ICI was engaged as a consultant to develop a training programme incorporating human rights, equality, and intercultural issues relevant to the Council's functions. The first pilot training session with twenty frontline staff has taken place.

The Equality Review concludes with a recommendation by the Council that it would complete its 'Equality Action Plan' in the coming year.¹³ However, there is no evidence that the current TAP has had regard to the Public Sector Duty and no evidence of assessment of equality and human rights issues relevant to this function by the Council.

¹³ In January 2020, further to a request by the Commission on a separate housing matter, the Council provided a copy of its 'Equality Action Plan 2020-2021'. The sections of this plan that are of particular relevance to Travellers appear to be as follows:

"The consultant noted that the presentation of Roma and Traveller families and other households with varying needs and support requirements present difficulties in [sic] making their placement in emergency accommodation and the provision of long-term housing support a challenge. Many households struggle to source and sustain self-accommodation in the emergency system and in other longer-term forms of social housing accommodation. Family size can also be a factor in sourcing long-term housing solutions. The procurement of larger accommodation is a priority for the Council and is aligned to the housing delivery programme and construction pipeline."

The plan also includes the following as an action to be taken:

"Fingal to seek sanction from the DHPLG to engage an Integration Officer, at the appropriate level, to drive the development and monitoring of policies, initiatives and practices in relation to equality, human rights, diversity and non-discrimination both for employees and service users. (Q1 2020)".

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 procedure for:
 - presenting data in the TAPs and progress reports, in particular: providing a breakdown, by accommodation type, for current accommodation status of Travellers in the administrative area and providing information on accommodation needs and preferences and how these are being addressed;
 - recognising and establishing the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers;
 - tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
 - 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;
 - establishing and developing a response to the needs of Travellers who are nomadic within and through the county through the provision of transient halting site bays;

- reviewing the provisions in relation to 'indigenous Travellers' and the local connection requirements to access housing supports, to ensure that there is no discrimination when compared to the requirements on the wider community;
 - establishing appropriate structures, processes, and supports for Traveller tenant participation in estate management on Traveller-specific accommodation;
 - identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for representatives; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. 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).
 3. 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, similar to the Council's November 2018 survey, but 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).

4. Develop a more transparent system of decision-making and accountability in particular respect of achieving targets set out in the TAP.
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. The 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. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report to determine the reasons for this and follow any recommendations made.
7. 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 drawdown 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 drawdown 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 drawdown 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
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