

An account of the
Equality Review carried
out by Louth 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 Louth 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 04 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 recorded that, in terms of Traveller-specific accommodation, there are two halting sites in County Louth, one in Drogheda that is currently uninhabitable and one in Dundalk that is fully occupied – in total, 24 halting site bays; and there are 5 Traveller Group Housing Schemes (in Drogheda, Dundalk and Dunleer) – a total of 24 dwellings. There is one Traveller-specific bungalow (single instance purchase). Beyond this, Travellers reside in various forms of standard housing.

The Council states that the actual and projected accommodation needs of members of the Traveller community are identified via a substantial assessment and consultation process, which informs the annual targets of housing provision set out in the TAP. In regard to the assessment of need for the 2019-2024 TAP, the Council notes that 110 Traveller applicants were included in the assessment and 105 of these attended the assessment interview (97%). The Council reports that two applicants were not invited for an interview as they had accepted accommodation. In addition, 21 Traveller households were invited to a second interview to form a group or make changes to an existing group for Traveller group housing. The Council provides that applicants were also asked about their use of the CBL system. In connection with the assessment interviews, the Council states that any enquiries were responded to and general information about housing options was provided for those who required it. Information received in the interviews was entered into the assessment databases for analysis.

The Council asserts that the majority (72%) of the 110 applicants requested standard social housing only. 12% requested standard social housing in combination with Traveller group housing, indicating that they would accept the accommodation option which would become available first. 15% requested Traveller group housing only and 1% halting site accommodation. The Council states that, in total, 30 applicants (27%) requested Traveller group housing and 26 of them formed 9 groups varying from 2 to 5 households. Four of the applicants, who were unable to form a group, were placed in a mixed group.

In respect of the nine groups seeking provision of Traveller group housing schemes the Council states that two were in Ardee and seven in Dundalk. Following these findings, the Council believes that realistic targets were set for the provision of four group housing schemes in the current TAP 2019-2024. The Council states that it took into consideration resources required and the availability of suitable sites for the provision of a large number of group housing schemes at the same time as other social housing developments. It adds that it also considered the average time on the housing waiting list of the groups seeking Traveller group housing schemes. The Council explains that the identification of suitable sites for provision of Traveller group housing is a challenge. Sites owned by the Council may be used for this purpose and additional sites may be acquired, subject to the availability of funding.

The Council states that there have been changes in the number of groups and the composition of the groups seeking Traveller group housing. The number of groups has reduced from 9 groups initially to 4 groups currently. The Council acknowledges that many families have opted for standard social housing and have been allocated same. Some families have left the area and moved to another county or country. Some households have moved from one group to another. The Council explains that the changes in the number and size of the groups have contributed to significant challenges in planning for the delivery of Traveller group housing. The Council acknowledges however that the long waiting time for the group housing scheme may have been a contributing factor for households who changed their preference to standard social housing.

The Council states that notice of the intention to prepare the new TAP 2019 to 2024 and to carry out an assessment of existing and projected accommodation needs of Travellers was given to 24 stakeholder bodies, including neighbouring county councils, the Irish Traveller Movement, Louth Traveller Movement, St. Vincent de Paul and others. Submissions were received from Mincéirs Whiden Ireland, Pavee Point Traveller and Roma Centre.

The Council states that:

“applicants seeking social housing accommodation, including Traveller-specific accommodation, are required to submit housing applications and relevant documents in accordance with Housing Regulations 2011”.

Due to its volume and required documents, the housing application can be challenging to complete for many applicants, particularly those individuals with literacy issues and difficulty with form filling. The Council says that its customer services, social workers and staff in the Housing Assessment Unit are available to provide advice and assistance in this regard. Where the applicant has particular family circumstances or a disability, the Council notes that it will consider such issues when assessing housing need. The Council maintains that it is the policy of the Council to consult with Traveller applicants regarding their accommodation needs and requirements to provide, where appropriate, Traveller-specific accommodation.

The Council states that it has one housing waiting list in which housing applicants are categorised based on their need and their preferred accommodation option is recorded. For the purpose of implementation of Traveller accommodation, Traveller applicants who have identified themselves as Travellers are recorded in the housing list as Travellers. Currently there are 4,517 applicant households on the housing waiting list and 90 of these are Traveller households (2%).

In its letter of clarification of 04 June 2020, the Council states that the use of an additional sheet in the housing application form allows the Council to identify Traveller housing applicants. The recording of Traveller applicants in the I-house system facilitates further assessment of the housing need of individual Travellers and the assessment and review for the TAP. However, the Council finds that it would be more beneficial to have Traveller as an option under ethnicity in the housing application form and in the I-house system. The Council states that this would allow the Council to capture better the recording of Travellers in terms of homelessness, disability, elderly etc. and subsequently improve planning for housing provision.

The Council has implemented a number of measures to support the use of the CBL system by Travellers. The Council states that it provides public computers and assistance in its customer services and libraries. The Council states that Traveller

applicants can be allocated social housing on a priority basis outside the CBL system to meet TAP targets, meet housing need arising from disability or exceptional medical or compassionate grounds or meet housing needs arising from homelessness. A social inclusion project to inform Travellers about CBL is included in the TAP.

The Council says that Travellers who wish to undertake the provision of their own accommodation may access supports such as home loans and grants. The delivery of social housing units is subject to the appropriate level of funding being made available by the DHPLG.

In terms of supports available to members of the Traveller community, the Council provides that the LTACC has three main roles: it advises in relation to the preparation and implementation of any accommodation programme for the functional area of the appointing authority concerned; it advises on the provision and management of accommodation for Travellers; and it provides a liaison between Travellers and members and officials of the appointing authority concerned.

The LTACC comprises 12 members, three elected members, five Travellers/representatives of Traveller bodies and four Council officials. It meets a minimum of four times per year. The meetings are rotated between the three local authority districts in Louth to facilitate attendance. The outcome of the assessment of need for the TAP and the draft TAP are presented to LTACC for their consideration and comments. A progressed report on implementation of the TAP is presented in each LTACC meeting by the social workers. While it is considered that the LTACC provides a means of consulting with Travellers and enhances participation, the Council notes that some members representing the Traveller community have very poor attendance in the meetings. This has been highlighted to the chair and measures are being considered.

The Council states that it employs two social workers to provide additional support for Travellers in accessing various forms of social housing including Traveller-specific accommodation and other services of the local authority. The social workers conduct needs assessments and reviews of the TAP and monitor and keep records for the implementation of the programme. The Council reports that social workers liaise with

individual Travellers regarding their housing needs and preferences, provide information and advice regarding available housing options and make recommendations for allocation of accommodation in accordance with the Council's allocation scheme and TAP. The Council adds that social workers provide support and advice to Travellers in accessing a full range of services including first time house purchase grants for Travellers, caravan loans, disabled persons adaptations to Council dwellings and privately owned dwellings, homeless services, housing maintenance services etc.

The Council states that it has an estate management team, which comprises two tenant liaison officers, an investigations officer and an 'anti-social behaviour officer'. The Council social workers work closely with the estate management team and meet with the team on a fortnightly basis to identify challenges impacting Traveller tenants and resolve issues in a multidisciplinary approach.

The Council states that the tenants of Traveller-specific and standard social housing accommodation can request maintenance works that are the responsibility of the Council. The maintenance responsibilities are clarified in the Tenancy Agreement and tenant's handbook. The tenants submit their maintenance requests to the Council's customer services that forward them to the staff officer in the maintenance section. The Council states that the staff officer records the valid requests in the I-house system and assigns the request to the appropriate clerk of works or engineer for inspection and carrying out maintenance works. The progress of the maintenance request is recorded in the I-house system and the request is closed when the maintenance works are completed.

The Council explains that its practice is that tenants who have rent arrears do not qualify for maintenance until such time as they have agreed to a payment plan with the rents section and have complied with the payment plan for a continuous period of 8 weeks. According to the Council, where staff is aware of vulnerable Traveller tenants who experience financial difficulties or have difficulty managing their money, assistance is given by staff from the rents section and the Council social workers.

The Council states that ongoing support is provided to the residents of the halting site in Dundalk, and Council officials have established a good positive rapport with most tenants at the site. The halting site in Dundalk comprises two main family groups. Each family group has nominated a spokesperson and they meet with the housing team a number of times a year. The housing team includes the Director of Housing, the senior executive officer, housing engineer and members of the estate management team. The Council explains that the purpose of this forum is to discuss directly with the housing team any issues causing concern on the site particularly in relation to maintenance and upkeep of the site. It also provides an opportunity to keep the representatives informed of the progress of the TAP and any other relevant housing matters. The Council reports that this structure has proved positive to date and is an opportunity for residents and management to meet and communicate positively and proactively with each other.

B. Comparison of funding to comparator group

The Council has a population of 128,884, of which 771 are members of the Traveller community, according to data collected in the 2016 census. The Council notes however that the Traveller population can be under-reported, as many Travellers do not disclose their Traveller identity, often for fear of discrimination.

For the period from 2015 to 2018 in respect of capital expenditure on Traveller-specific accommodation, the total sum allocated by the DHPLG was €1,081,571 and the total sum drawn down came to €686,920. Total additional local authority funding was €177,256. In 2019, the total sum allocated was €391,659. No funds had yet been drawn down.

In respect of revenue expenditure for Traveller-specific accommodation from 2015 – 2018, the Council states that no funds were allocated or withdrawn. The total local authority funding came to €121,032.

In respect of capital expenditure for general housing from 2015 – 2018, the total sum allocated came to €17,260,879. Of this, the total sum drawn down was €8,928,048. Total additional local authority funding added to this came to €426,305. Over this period, there was reportedly no current expenditure on general housing.

From the above, it seems that there was a significant underspend on capital funding for both Traveller-specific accommodation and for general housing. The ratio of sums drawn down for the former as against the latter was 686,920 : 8,928,048 or 1 : 13. The ratio of the reported Traveller population of the county as against the settled population is 771: 128,113 or 1 : 166. On the basis of these figures, this shows a higher pro-rata spend for members of the Traveller community in terms of the proportionate level of capital spending on accommodation per capita.

C. Adequacy of funding

Initially the TAP 2014 – 2018 included provision of 58 units of standard social housing only. The review of the programme was conducted in 2016 and 136 Traveller applicants were included in the review, of which 122 (90%) attended an interview. The review showed increased preference for Traveller-specific accommodation.

Following the review, the programme was amended to include the following:

- Provision of 58 standard social housing units that, the Council reports, was exceeded;
- Refurbishment of Woodland Park halting site, which was completed. All 14 bays were allocated and Traveller tenants were provided caravan loans;
- Provision of additional dwellings in the existing group housing scheme in Woodland Park. The Council reports that this did not materialise as the zoning of the site did not allow additional dwellings;
- Provision of an additional dwelling in the existing group housing scheme in Naughton Close. The Council advises that this did not materialise as the green space in the area had to be retained. It was also established in the discussions with the existing residents that an additional dwelling was not their preferred option;
- Provision of an extension to an existing dwelling in group housing scheme in Naughton Close. The design and construction of the extension was progressed;

- Identification of sites for two new group housing schemes with the view to commence planning and construction in the course of the 5th programme. The Council advises that the site initially identified was not feasible as group housing scheme was not deemed suitable use of the site; and
- Provision of an additional basic service bay in Woodland Park halting site.

In regard to halting site accommodation, the Council reports that Woodland Park halting site in Dundalk has 14 bays and is in good condition following a major refurbishment in 2017. The Council envisaged that the need for halting site accommodation in Dundalk would be met through re-letting of the existing bays. The 10-bay halting site in Drogheda is, according to the Council, in very poor condition with most of the service units demolished. The Council states that the site has been under-utilised for many years as there has been very little interest for halting site accommodation in Drogheda. The Council intends to review the need for halting site in Drogheda during the current TAP.

The Council says that most encampments of transient Traveller families have been relatively small and short-term stays. As the existing halting sites in Dundalk and Drogheda have not been used for short-term accommodation of transient Traveller households, provision of a third site in county Louth is not currently considered to be required, according to the Council. However, the Council confirms that it will review the need for a transient site in county Louth during the current TAP.

D. Whether all funding allocated drawn down

The Council stated that it has two Traveller halting sites: Woodland Park in Dundalk and Cement Road in Drogheda.

The Council reports that the refurbishment of Woodland Park halting site in Dundalk was completed and the required funding was drawn down. Following the refurbishment in 2016 / 2017 the Woodland Park site has been fully occupied. However, the Council notes that the majority of the occupants have requested transfer to either standard social housing accommodation or Traveller group housing for a variety of reasons: to

improve their accommodation situation and conflicts between the occupants on the site.

The Council advises that the majority of the 2015 allocated funding for the refurbishment of Cement Road halting site in Drogheda was not drawn down. The refurbishment of the entire halting site was not deemed necessary, according to the Council, due to the very low need for halting site accommodation in Drogheda. It has been the experience of the Council that unused and under-occupied halting sites are vulnerable to vandalism. Hence, the Council explains, the refurbishment of halting site bays are planned based on the demand. Therefore, only one bay was refurbished and funding drawn down during 2015/2016. Funding for the regular maintenance and caretaking costs for this bay during 2015-2018 was not drawn down and as the Council explains, that this was covered by the Council's own resources.

While there have been Travellers living in road-side caravans, who sought permanent accommodation, during 2015-2018, the Council states that none of these families wished to be accommodated in the Drogheda halting site. The Council notes that a variety of reasons were given for not wanting to avail of accommodation in the Drogheda site: incompatibility with other families in the area, anti-social behaviour associated with the site and the town, and not wanting to live in a town environment.

The Council states that there have been Traveller households visiting the county, in particular the Dundalk area, who have resided in roadside caravans during their visit. Most encampments of the transient Traveller households have been relatively small and short-term stays and have occurred primarily during the summer months. Whilst the existing halting sites in Dundalk and Drogheda have not been used for short-term accommodation of transient Traveller households, provision of a third site, according to the Council, has not been deemed necessary. The Council states that it has taken into consideration that a transient site would be unused the most part of the year as the transient Traveller households usually visit during the summer months.

In a letter of clarification of 04 June 2020, the Council set out the funding application process. The Council says that the procedure for the drawing down of Traveller funding

has been improved in the previous two years to allow better monitoring of applied funding, spending and recoupment.

The Council explains as follows: applications for funding for Traveller accommodation are made to the DHPLG when there is an identified need. Any funding application is prepared in consultation with the relevant staff members. The funding applications are completed by the senior staff officer of the Housing Finance section in respect of acquisitions, voids, energy works, maintenance and adaptations to Traveller-specific and standard social housing for Travellers. Applications for the provision of new Traveller group housing and halting sites and other larger capital works are completed by the senior executive engineer of the Housing Capital section.

The Council states that a single stage funding process capital appraisal (all in costs below €2m) form needs to have the following information:

- Identify the need, assess alternative means of meeting this need and make a recommendation, which is signed off by the Council social worker;
- Project brief - outline the project in hand, location, proximity to schools, shops and transport routes;
- Assess project in relation to sustainable communities;
- Site constraints & site abnormalities - any reasons additional costs may be admissible and therefore whether site is suitable for connection to services or what temporary measures have been put in place;
- Timeline for implementation of measures (when it is intended measures will be in place);
- Project management & delivery – measures taken by local authority to comply with public procurement guidelines; and
- Cost details - estimate of costs from project team.

If the value of the scheme is over €2m, the four-stage capital appraisal project applies. The funding application is signed off by a senior staff officer of housing finance section.

The Council states that funding applications are submitted to the TAU by email and acknowledged by TAU. A delivery receipt is received by email. The Council states that the application is processed usually within one week but more often within 72 hours.

The Council states that the funding is recorded and tracked by the financial management system, by allocating a specific project code. According to the Council, all projects are monitored by the Housing Technical section and any expenditure is approved by the engineer in charge of the project, senior executive officer, director of services; respectively depending on the expenditure limit. For drawdown of payments, a chief executive order is completed. The Council states that all invoices are signed by the engineer in charge stating that works are complete.

The Council explains that recoupments are completed by the senior staff officer of the Housing Finance section when works are completed and signed off by engineers and director of services. An invoice is raised and recorded on the capital invoice spreadsheet where the received recoupments are also recorded. This spreadsheet also details an approval amount for each project and a reference number for TAP.

E. Any further issues of equality of opportunity

The Council gave information about a support project for disadvantaged/socially excluded communities with which the estate management team, in conjunction with Louth County Libraries, is involved. The Council explains that this project is funded by the Department of Rural & Community Development. The halting site in Dundalk was selected to participate in the programme and the Council notes that it was anticipated that the residents would benefit from such a programme and the halting site has a community facility on the site to facilitate the project. The project involves working on an intergenerational project with three generations of a Traveller family. The project will capture either in written text and/or spoken word the life story of each generation of the family depicting their stories, customs and traditions. The Council notes that the estate management team are currently canvassing the residents on the halting site and it is anticipated that project would commence by October 2019.

The Council identifies a number of measures it has in place to monitor the achievement of TAP targets and any other Traveller accommodation issues that may arise. It states that implementation of the TAP is continuously monitored and the below monitoring arrangements are in place:

Records for the implementation of the TAP are kept by the housing section and progress reports are provided in the monthly housing team meetings;

- Progress report is presented in each meeting of the LTACC;
- Progress report will be presented to the housing strategic policy committee at the end of each year of the programme;
- Annual returns to the DHPLG are provided through LG Returns system; and
- Review of the TAP will be carried out in 2021 and will be completed by 31/12/2021.

Further to the above, the Council states that a number of regular focused meetings are held. Fortnightly housing referral meetings are convened and attended by all members of the estate management team, the two Council social workers and a staff member from the rents section. The Council states that the purpose of these meetings is to plan appropriate actions to resolve complaints and issues impacting tenants and communities. Staff members of the Rents Section are available to support tenants, including Travellers, to manage their rent account and address any arrears; and they conduct office meetings or visit tenants in their homes to ensure every opportunity is given to assist them in maintaining their tenancy.

The Council states that monthly complex cases meetings are held to discuss tenant and housing applicant cases where input from several sections is required. The meetings are attended by managers of estate management, rents, homeless, assessment and allocation and housing finance sections, social workers, director of services and the senior executive officer for housing to discuss and identify suitable solution and course of action in complex cases.

According to the Council, monthly housing team meetings, which are attended by the Director of Services, senior executive officer, the section heads and two social workers, are held to discuss housing policy and practice and progress made in housing related matters. The two social workers provide updates on implementation of TAP, highlight challenges that are impacting Traveller applicants or tenants, advocate the housing needs of the Travelling community and promote housing provision to Travellers.

In its letter of clarification of 04 June 2020, the Council observes that:

“the time on the housing list is not transferrable between the Local Authorities and therefore the housing applicants that wish to be accommodated in another county can end up waiting for housing allocation for a long time.”

The Council states that:

“this would affect many Traveller applicants who wish to relocate for a variety of reasons; family circumstances, feuding etc”.

The Council’s TAP 2019-2024 has outlined several actions to be completed during the lifespan of the programme. The need for a transient site will be reviewed. At such time when there is an identified need for another halting site in south Louth, the Council will consider providing same. The Council states that the Traveller housing applicants and the wider Traveller community will be consulted in this regard. The Council states that it will maximize the drawdown of funding that is available from the DHPLG to support the implementation of the TAP. An information project aiming to improve Traveller applicants’ usage of CBL will be carried out. The project is planned to be designed and delivered by the Council. The Council says that it will work in partnership with agencies to overcome the challenges with the delivery of the group housing schemes.

In addition to the above actions, the following recommendations have been identified:

- The Council will promote further provision of Traveller-specific accommodation by the approved housing bodies;

- Consideration to be given by the DHPLG to Traveller accommodation funding being extended for the purpose of disabled persons' adaptations to standard social housing accommodation for Traveller tenants;
- Traveller as an ethnic group should be included in the housing application form and I-house system to improve identifying Traveller housing applicants and to improve planning for housing delivery to Travellers;
- Whilst the Council believes that it conducts good consultation with the individual Traveller housing applicants regarding their housing needs and preferences, ways to consult the wider Traveller community needs to be identified;
- The reasons for the poor attendance of the Traveller representation in the LTACC meetings is being examined and addressed; and
- In order to fully utilise the funding opportunities for Traveller accommodation including standard social housing, the Council should maintain good knowledge about available funding sources.

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

There is no indication of the process pursued by the Council in undertaking this Equality Review, in particular there is no mention of any participation by the LTACC or by local Travellers or Traveller organisations which would be expected in such a process.

LTACC

The Council advises that there are five Travellers/representatives of Traveller bodies on the LTACC. The Equality Review notes that some Traveller representatives have a very poor attendance record at LTACC meetings and that 'measures are being considered' to address this. It is a welcome aspect of the review that the Council states that the reasons for the poor attendance of the Traveller representation at the LTACC meetings is being examined and addressed. There is no further detail provided, however, on what measures are being proposed in this regard.

The review does not provide detail regarding the process by which Traveller representatives are appointed onto the LTACC or the process for them to have accountability back to the wider local Traveller community or what, if any supports are provided to enable an effective participation.

True preferences

The Council seem to have an established system in place for obtaining the accommodation preferences of members of the Traveller community through in-person interviews. Accommodation need and preferences are assessed by way of interviews with Travellers who have applied for social housing through the standard application form. The Equality Review notes that the Council's social workers conduct the assessment interviews to explore applicants' needs and preferences, and that Travellers can attend individually or in a group, according to their wishes. In preparation for the TAP 2019-2024, where Travellers had indicated their preference for Traveller-specific accommodation in the social housing application form, they were invited to an

interview to discuss their options, their queries and their knowledge of the CBL system. 110 Traveller applicants were included in the assessment and 105 of these attended the assessment interview (95%). Two applicants were not invited for an interview as they had accepted accommodation. Those who wished to be accommodated in Traveller group housing were invited back for a second interview to formulate the different groupings.

There does not appear to be any independent verification process in regard to preferences and there would appear to be an over-reliance on received housing applications, in assessing need. This issue is raised by the Council in the Equality Review and the Council itself points out the shortfalls with this system. First, it only captures the needs of Travellers who have made an application for social housing.

Second, it only captures the needs of Travellers who opt for Traveller-specific accommodation – this does not capture or record robust data on the number of Travellers who would prefer standard housing accommodation. In this respect, the Council has recommended that Traveller as an ethnic group be included in the housing application form and iHouse system to improve identifying Traveller housing applicants and to improve planning for housing delivery to Travellers.

The Council acknowledges the need to identify ways to consult the wider Traveller community outside of those who make housing applications. The Equality Review identifies that the application form can present a barrier for potential applicants, particularly people with literacy issues, due to 'its volume and the required documents'.

TAP

The Council sent notice of the intention to prepare its TAP 2019-2024 and to carry out an assessment of existing and projected accommodation needs of Travellers to 24 stakeholder bodies. It appears that submissions were received from two bodies: Mincéirs Whiden Ireland, Pavee Point Traveller and Roma Centre.

The presentation of data in the TAP of the Council allows for a high degree of transparency in regard to the Council's approach to addressing the accommodation needs of local Travellers. The Council present the following in their TAP:

- current accommodation status of all Traveller families in the area, by accommodation type;
- accommodation status, by accommodation type and region, of Traveller households identified as having a current accommodation need;
- year (over the current TAP) in which applicants for standard social housing and group housing will have reached the average waiting time, by region;
- number of planned upgrades/refurbishments to, and new builds of group housing, by region, and projected year for completion;
- numbers of Travellers with an accommodation need who indicate they have a disability, type of disability indicated, and the type of accommodation requested by these applicants;
- number of Travellers attending for assessment interview and numbers excluded/not invited, by region; and
- reasons for exclusion of applicants from the assessment.

Targets

The Council also had a number of measures in place to ensure adequate monitoring of how the targets in the TAP were being achieved. These were stated to include monthly housing team progress reports, presented at each meeting of the LTACC and to the Housing Strategic Policy Committee at the end of each year of the programme, annual returns to the DHPLG provided through the LGReturns system and a review of the TAP which will be carried out in 2021.¹ Further to these measures, a number of regular focussed meetings are held, notably fortnightly housing referral meetings, monthly complex case meetings and monthly housing team meetings.

¹ The LGReturns website states that:

“LGReturns has been developed in partnership between the Department of Housing, Local Government and Heritage DHLGH and the Local Government Management Agency LGMA to support local authorities in the entry and processing of national data returns. LGReturns provides for data validation and exchange between government sectors, local authorities and government agencies. It is used for a range of departmental returns including performance management and housing statistics”.

The Council's TAP 2019-2024 indicates that, over the period of its previous TAPs, 2000-2018, the most prevalent form of provision made was in the area of standard social housing (target of 215 units compared with achieved output of 223 units). During the same period, the Council reported its provision of Traveller-specific group housing as falling well below the target (target of 23 units compared with achieved output of 8 units). However, the Council over-achieved in its provision of halting site bays (target of 12 bays compared with an achieved output of 23 bays). The Council cites the main reasons for lack of progress on group housing provision as: intended tenants moving out of the administrative area or accepting other accommodation; and planning permission being refused.

In regard to the over-achievement of targets for halting site bays, the Equality Review indicates that the Council amended its 2014-2019 TAP (following the mid-term review) to include Traveller-specific accommodation targets, alongside the existing target of 58 units of standard housing. This was based on an increase in the number of Traveller households expressing a preference for Traveller-specific accommodation. The mid-term review found that 31 families indicated a preference for Traveller-specific accommodation only, while a further 19 families expressed a preference for standard housing or Traveller-specific accommodation. The Council exceeded its target of 58 standard housing units for the benefit of Traveller households.

While the Council was not successful in meeting all of these Traveller-specific targets (due to zoning and site suitability issues) the Council did provide 14 bays in the Woodland Park halting site, following the site's refurbishment. The Equality Review notes that the Council's second ten-bay halting site in Drogheda is in very poor condition with most of the service units demolished, and the site under-utilised for many years as there has been very little interest for halting site accommodation in Drogheda. There is no further information provided on what has led to the current situation regarding this halting site.

The current TAP indicates a total targeted provision of 244 units of accommodation over the lifetime of the Programme. 110 of these units are identified as meeting current need. Of these current need targets: 79 expressed a preference for standard housing

only; 17 expressed a preference for group housing only; 1 expressed a preference for halting site accommodation only; and 13 expressed a preference for standard social housing or group housing. Usefully, Travellers who identify a preference for group housing are invited for follow-up interview to discuss which families they would reside with compatibly.

Despite the initial expressed preference for group housing by 17 applicants, this figure was reduced to 9 following the initial assessment and reduced again with the Council making targeted provision for 4 such units over the lifetime of the Programme. The Council identifies significant challenges in securing suitable sites for group housing and acknowledges that the long waiting time for group housing may have been a contributing factor for households that changed their preference to standard social housing.

Support services provided

The Council seems to have support services in place generally, including the LTACC, two social workers and an estate management team. It is, however, of concern that some members representing the Traveller community have very poor attendance at the LTACC meetings.

The Equality Review provides information on the type of supports offered to Traveller tenants and some of the outcomes from these supports. In this regard, it is noted that the support provided by the Council's social workers has resulted in: 17 Travellers with a disability supported to secure accommodation between 2015 and September 2019; supporting a tenant whose mobile home was burnt in a fire to source a funding stream to assist with the replacement of the caravan; and working with the Anti-Social Behaviour Officer to support vulnerable tenants.

In terms of supports available to Travellers to ensure their equal access to accommodation services, the Council noted that its customer services, social workers and other staff assisted Travellers in completing the social housing application form where required. It was also the policy of the Council to consult with Traveller applicants regarding their accommodation needs and requirements. The Council has also put in place measures to support the use of the CBL system by Travellers, including providing

public computers and assistance in its customer services and libraries and a social inclusion project to inform Travellers of this option. This arises in a context where the Council has identified that very low numbers of applicants for standard social housing are accessing this system.

The Review also describes a consultation system that had developed at the halting site in Dundalk. The Council stated that ongoing support was provided to the residents of this halting site, and Council officials have established a good positive rapport with most tenants at the site. The halting site in Dundalk comprised two main family groups. The Council explained that each family group had nominated a spokesperson and they met with the housing team a number of times a year to enable the residents to discuss directly any issues causing concern on the site. It also provided an opportunity to keep the residents informed of the progress of the TAP and any other relevant housing matters. The Council stated that the structure had proved positive to date and was an opportunity for residents and management to meet and communicate positively and proactively with each other.

A further notable aspect of the review was the support project for disadvantaged/socially excluded communities with which the estate management team in conjunction with Louth County Libraries was involved. The halting site in Dundalk was selected to participate in the programme as it was anticipated the residents would benefit from such a programme and the halting site had a community facility on the site to facilitate the project. The project involved working on an intergenerational project with 3 generations of a Traveller family. The project would capture either in written text and/or spoken word the life story of each generation of the family depicting their stories, customs and traditions. The estate management team was currently canvassing the residents on the halting site and it was anticipated that the project would commence by October 2019.

With regards to homelessness, the Equality Review identifies significant issues for Travellers in the county with 147 families availing of homelessness services over the period 2015-2019. The Equality Review notes that Travellers can and do avail of the services of the Council's homelessness section. However, there is no reference to any

specificity, due to their culture and identity, that might pertain to Travellers' experience of homelessness or in the type of supports that might be effective in responding to this experience.

Working with the community

The Council appears to have a system in place in respect of ensuring that both standard social housing and Traveller-specific accommodation is maintained in a good state or repair.

The current TAP notes that tenants are:

“encouraged to develop a sense of ownership, and where feasible to actively participate in the estate management, through resident committees”.

In this regard, the Equality Review references a process developed for a representative forum involving nominated Travellers residing on the halting site to meet regularly with Council staff to address any issues arising on the site particularly in relation to maintenance and upkeep of the site.

It is also the Council's practice that tenants who have rent arrears do not qualify for maintenance until such time as they have agreed to a payment plan with the rents section and have complied with the payment plan for a continuous period of 8 weeks. A safeguard to this is that where members of the Council's staff are aware of vulnerable Traveller tenants who experience financial difficulties or have difficulty managing their money; assistance is given by staff from the rents section and the Council social workers.

Drawdown and spending

County Louth has a population of 128,884, of which 771 are members of the Traveller community, according to data collected in the 2016 census. The Council noted however that the Traveller population can be under-reported, as many Travellers do not disclose their Traveller identity, often for fear of discrimination. On the basis of the figures provided by the Council, the ratio of sums drawn down was 1 : 13, while the ratio of the Traveller population of the county as against the settled population was 1 : 166.

One point of concern was that there was a significant underspend on capital funding for Traveller-specific accommodation. For the period from 2015 to 2018, the total sum allocated by the DHPLG was €1,081,571 and the total sum drawn down came to €686,920. However, there was also a significant underspend on capital expenditure for general housing over the same period: the total sum allocated came to €17,260,879 and of this, the total sum drawn down was €8,928,048.

In respect of capital expenditure on Traveller-specific accommodation, the Council stated that it has two Traveller halting sites: Woodland Park in Dundalk and Cement Road in Drogheda. The refurbishment of Woodland Park halting site in Dundalk, as discussed above, was completed and the required funding was drawn down. However, the majority of the 2015 allocated funding for the refurbishment of Cement Road halting site in Drogheda was not drawn down. The Council reports that while €400,000 was allocated by the Department, in 2015, for the refurbishment of its halting site in Drogheda, only €22,387 has been drawn down, to refurbish one bay. The refurbishment of the entire halting site was not deemed necessary due, according to the Council, to the very low need for halting site accommodation in Drogheda. The Council gives the reason for this as being a decision to only upgrade bays on the basis of identifying families to occupy those bays, and there being low preference expressed for this site. Furthermore, the Council states that it has been its experience that unused and under-occupied halting sites are vulnerable to vandalism. For this reason, the refurbishment of halting site bays is planned based on demand.

While there had been Traveller applicants for permanent accommodation living in road-side caravans during 2015-2018, the Council reports that none of these families wished

to be accommodated in the Drogheda halting site for a variety of reasons. Among the reasons given was animosity with other families in the area, anti-social behaviour associated with the site and the town, and not wanting to live in a town environment.

It is notable that while 9 groups for the group housing scheme were formulated following the second round of interviews, only 4 group housing schemes were included as targets in the TAP 2019-2024. The Council stated that it took into consideration resources required and the availability of suitable sites for the provision of a large number of group housing schemes at the same time as other social housing developments were envisaged. It also considered the average time on the housing waiting list of the groups seeking Traveller group housing schemes. The Council explained that the identification of suitable sites for provision of Traveller group housing was a challenge. It further revealed that throughout the course of the TAP 2019-2024, a number of Travellers who had initially expressed a desire for the group housing scheme changed their preference. Many of these families opted instead for standard social housing and had been allocated same. Some families had left the area and moved to another county or country and some had moved from one group to another. The Council stated that changes in the number and size of the groups contributed to significant challenges in planning for the delivery of Traveller group housing, as set out above. It acknowledged however that the long waiting time for the group housing scheme may have been a contributing factor for households that changed their preference to standard social housing. It is welcome that the Council intends to work in partnership with agencies to overcome the challenges with the delivery of Group housing schemes.

Among the difficulties the Council faced in locating suitable group housing scheme sites were that the zoning of the site at Woodland Park did not allow additional dwellings, that the green space in the area of Naughton Close had to be retained and that a new site initially identified was not feasible as group housing scheme was not deemed suitable use of the site.

It is notable that the Council's procedure for drawing down Traveller funding had been improved in the last two years to allow better monitoring of funding applications,

spending and recoupment. It is a positive that the Council exceeded its target of 58 standard housing units for the benefit of Traveller households.

The Council observed that there had been transient Traveller households visiting the county, in particular the Dundalk area, who had resided in roadside caravans during their visit. Such visits tended to be short-term during the summer months and involved relatively small encampments. The Council considered that a transient site would be unused for most of the year and vulnerable to vandalism. It did not plan to provide a transient halting site but would keep this under review.

One notable observation of the Council is that time on the housing list is not transferrable between local authorities and therefore housing applicants that wish to be accommodated in another county can end up waiting for housing allocation for a long time. This would affect many Traveller applicants who wish to relocate for a variety of reasons; family circumstances, feuding etc.

Equality of opportunity and discrimination

The Equality Review does not refer to any specific supports for responding to the practical implications of Traveller ethnicity in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities. This is particularly relevant given the high level of such provision.

The Equality Review advises that 54% of Traveller applicants for social housing have accessed HAP. The review also notes that the Council's HAP section hold weekly clinics in Dundalk and Drogheda to provide information and advice and assist with HAP documentation. There is no detail provided, however, in regard to what specific support this service offers meet the particular needs of Travellers. This is a gap considering the well documented experiences of discrimination among Travellers in accessing private rented sector.

The Council notes that a low number of Travellers (42%) are accessing the CBL online system. Accessing this system is important for Travellers who express a preference for standard social housing, as, the Council notes, the majority of such vacancies are allocated through this system and applicants are required to indicate an interest in

vacancies as they arise in order to be considered. The Equality Review indicates that 'a social inclusion project to inform Travellers about CBL' is planned.

The current TAP offers a comprehensive picture of the current situation of all Traveller households in the area and their current accommodation status; the current accommodation status of Travellers who have applied for accommodation. This enables comparison between the number of households identified in the 2018 annual count as residing in overcrowded situations / on the roadside / in homeless provision with the number of households in these situations that are captured in the proposed TAP targets for 2019-2024. It would appear that all households identified as residing in overcrowded situations / on the roadside / in homeless provision are included in the current targets.

In regard to transient accommodation, the Council advises, in its current TAP, that a transient site is not considered necessary. The Equality Review does not offer detail as to how this conclusion is arrived at. This appears to fail to take account of cultural diversity, and the importance of movement within Traveller culture and identity.

The Equality Review notes that re-payable caravan loans, up to a maximum of €6,350, are available for a Traveller who wishes to purchase a caravan to replace a substandard caravan or to alleviate overcrowding. This is only provided for first-time applicants who have not been granted caravan loan previously and who are included in the social housing waiting list and have accepted an offer of accommodation in Traveller halting site.

Public Sector Equality and Human Rights Duty

Neither the current TAP nor the Equality Review make reference to the Council's statutory obligations under Section 42 of the 2014 Act: the Public Sector Equality and Human Rights Duty.

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 the specific recommendations the Council makes in its Equality Review, including that:
 - the Council will promote further provision of Traveller-specific accommodation by the Approved Housing Bodies;
 - ways to consult the wider Traveller community need to be identified; and
 - the Council will examine and address the reasons for the poor attendance of the Traveller representation on the LTACC and this could feed into the wider assessment discussed at point 5) below; and in order to fully utilise the funding opportunities for Traveller accommodation including standard social housing, the Council should maintain good knowledge about available funding sources.

2. In addition, address policy and procedure for:
 - tracking over time 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;
 - establishing the particular issues for Travellers experiencing homelessness and 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;
 - establishing appropriate processes for Traveller participation in estate management on Traveller-specific accommodation; 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 all 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. While the consultation system that has developed on the Dundalk halting site is positive, consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which other members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. 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. Engage the services of an appropriate independent body, to draft a report on the reasons why Traveller representative members of the LTACC have demonstrated poor attendance at the meetings of this committee and, if necessary, on possible steps that could be taken to ensure that this committee operates as a truly consultative body in which all opinions are given weight. Any such steps taken by the Council should be published.
7. 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 into the reasons for this and follow any recommendations made.
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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