

An account of the
Equality Review carried
out by Sligo 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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Contents

Glossary.....	2
Introduction.....	4
Section 1 Key areas of interest.....	6
Section 2 Issues Arising	17
Section 3 Recommendations.....	28
Appendix 1	31

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 Sligo 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 the targets under the TAP were set following an extensive assessment of the need of Travellers in County Sligo, reflecting their accommodation preferences at the time. The Council states that these preferences reflect a trend away from conventional halting site / group housing schemes to standard local authority housing. The Council notes that this trend has been noted in several local authorities in this region and may indicate a cultural change in this community.

The Council states that the plan reflects expressed need, which is evidenced by the Council's assessment. It states that targets set out in the TAP are guided by the housing preferences expressed by members of the Traveller community when completing their social housing support application, which is a national document. The Council states that information on targets is also sourced from the annual census.

The Council states that it meets with Traveller families on a daily basis regarding the individual housing needs of Travellers. It states that it maintains good engagement with the Traveller community on specific housing projects. One example of this offered by the Council is a once-off house purchase made in a named location, with remedial works and extension. The Council reports that an assessment of the family's long-term housing needs was developed in conjunction with the family and others including the HSE and in-house architects to meet the specific needs of the family.

The Council states that, in 2016, a mid-term review was carried out by the Sligo LTACC and it was decided that no changes were necessary in the TAP.

The Council states that it undertook a consultation process and considered submissions from interested parties and adopted its new TAP on 2 September 2019.

The Council reports that the current TAP includes details of the capital developments that will be undertaken within the lifetime of the programme, but subject to the allocation of funding from the DHPLG. The Council states that a number of

improvements and developments to existing Traveller-specific facilities are outlined in the programme, and that several were proposed to commence within 12 months of October 2019. The Council reports that at all stages of the process of drawing down funds from the DHPLG, the Traveller families who are to benefit, are involved in consultations, discussions and in some cases, mediations.

The Council states that the LTACC membership consists of four Councillors, four Traveller representatives and four Council officials, with four meetings taking place each year. The Council states that training took place for the LTACC members twice during TAP 2014-18. It states that all LTACC meetings discuss delivery progress reports for the current TAP, which include an explanation around delays, challenges and whether changes are necessary. It states that an annual report is submitted to the TAU in the DHPLG which details achievement of targets.

The Council states that, in 2018, differences in opinion on aspects of the development of a halting site occurred and the Traveller representatives resigned from the LTACC. It reports that there are currently four vacancies for Traveller representatives on the LTACC and the Council is awaiting nominations from Sligo Traveller Support Group to take up four places on the new committee, which has to be set up following the adoption of the TAP 2019-2024. The Council states that it will provide ongoing training for the incoming members in order to better understand the advisory and consultative role of the LTACC and to improve understanding of Traveller culture.

A Traveller Liaison Officer is employed by the Council. The Council explains that the officer is a dedicated point of contact for Travellers and an important member of the Council team that deals with Traveller accommodation. The review states that the Traveller Liaison Officer is available for a drop-in clinic one morning per week, as well as by appointment at other times. The Council states that the officer is also available at other times during opening hours, if in the office. It is stated that he provides follow up meetings, phone calls and house visits to ensure all follow up information is gathered in order to validate social housing applications.

The Council states that it also employs a full-time caretaker to assist in the operation of the halting sites and that the role entails daily visits to each site, minor maintenance and

upkeep of the site. It is reported that he also carries out monthly inspections of fire safety equipment and reports any issues regarding fire safety. The Council reports that it deals with all issues of anti-social behaviour or breaches of tenancy in accordance with a generic anti-social behaviour policy and all tenants are treated equally. The review states that the role of the caretaker ensures that potential issues are recognised at their inception and therefore can be dealt with before they get a chance to escalate.

The Council states that front line housing staff are available during office opening hours to deal with any queries from members of the Traveller community or to assist with social housing applications. The Council states that the Housing Officer regularly meets with Traveller families to discuss their housing needs and that internal housing meetings are also held to discuss potential allocations according to the Council. The Council states that clarification was provided to counter staff that Traveller clients, who request support on housing applications, can avail of this either from counter staff or the Traveller Liaison Officer, as available and by request.

The Council states that it is in continuous dialogue with Sligo Traveller Support Group with regard to their support of housing applicants.

The Council outlines that Travellers applying for social housing support have a range of extra Traveller-specific housing options included in the application, e.g. group housing, halting sites. The Council reports that it does not operate a priority scheme of letting for Travellers, but is guided by the targets set out in the TAP and on an individual needs basis.

The Council states that applicants who require additional literacy supports in order to complete the housing application can be referred to the Citizens Information Service, Focus Ireland or North West Simon Offices. The Council notes that this is a generic support that can be offered to Travellers or those from outside the Traveller community.

The Council reports that there is a dedicated Homeless Liaison Officer who will meet with and assess clients in accordance with homeless guidelines. The Council reports

that in 2018, seven Traveller families presented as homeless. The Council reports that, of the seven, three have received local authority tenancies, one a HAP tenancy, two have received Focus Ireland properties and one left the locality. The Council states that while Traveller families are over-represented in homeless services:

“the expedient housing solutions for these families represent a fair and equitable treatment for these families”.

B. Comparison of funding to comparator group

Table 1a sets out the annual capital expenditure for Traveller accommodation 2015-2018. The Council reports that the total sum allocated by the DHPLG over this period was €1,349,565.55 and that total funds drawn down came to €285,156.63.¹ Table 1b sets out annual capital expenditure for Traveller accommodation for 2019. The Council reports that total funds allocated by the DHPLG came to €1,624,336.07 and that total funds drawn down as of 3 October 2019 came to €405,221.²

Table 2 sets out annual current / revenue expenditure for Traveller accommodation from 2015 to 2018. The Council reports that the total contribution from the DHPLG came to €36,090 and that total additional local authority funding amounted to €76,092.

From Table 3, the total figure spent on capital expenditure for general housing from 2015 to 2019 came to €38,964,408. The Council states that all projects in this category were funded based on an application to the DHPLG and a budget is approved on a case by case basis. The Council reports that capital allocations on a yearly basis were not given by the DHPLG to the Council for these projects.

The Council reports that total annual current expenditure for general housing over that period amounted to €3,075,284, all of which was local authority funding.

¹ The Council reports that €170,502.40 was also drawn down as offsets against credit balances on housing acquisitions during the same period.

² The Council reports that €1,840.30 was also drawn down as offsets against credit balances on housing acquisitions during the same period. The Council also states that ‘the actual allocations needs to reflect the element of double counting as referenced in our submission and also to show the reduced allocation for ‘Fire Safety Improvement Works on Halting Sites’’. It further states that ‘the actual draw down of funding for 2019 in the sum of €1,137,681(€1,134,389.50 from the Department and €3,291.50 from Council funding) should be given in the report to show the complete picture for the year’.

The Council also includes Table 5 which sets out other capital expenditure on Traveller accommodation: housing acquisitions for Travellers. The Council reports that from 2015 to 2017, this came to a total of €1,304,169, funded from the social housing investment programme. The Council reports that from 2015 to 2019, total funds for housing refurbishments / extensions for Travellers came to €291,921. Of this figure, the Council reports that €17,523.34 was local authority funding, €111,997 was funding from the social housing investment programme and €162,400 was offset against credit balance on a house acquisition by the Council.

C. Adequacy of funding

The Council sets out details of the targets in the TAP 2014-2018 which were achieved. The Council reports that the targets for specific purchase and upgrade of existing facilities were achieved. The Council reports that the targets for Council tenancy and voluntary housing were exceeded, notably of a target of 5 Council tenancies, 30 were provided and of a target of 2 voluntary house placements, 3 were achieved. However, for the target of 11 group housing / halting site placements, none were achieved. For a target of 35 RAS / HAP placements, 23 were achieved.

The Council states that the social housing needs assessment had highlighted the need for the purchase of one-off housing to meet the housing needs of some Traveller families. The Council reports that during the lifetime of TAP 2014-2018, it purchased 7 one-off houses to deliver housing for Traveller families on the housing list. The Council reports that many of these purchases were made on a tailored basis, i.e. Traveller families were facilitated by informally negotiating the location and house type in advance of an allocation being made.

The Council states that three extensions to improve the facilities for Traveller families with disabilities were also completed.

D. Whether all funding allocated drawn down

The Council states that the application process for applying for funding from the (TAU) DHPLG involves:

- Preparation of a delivery plan in an internal meeting, in accordance with the above annual targets;
- Designs and costing are prepared;
- Either: Undertake a single stage application process – usually for smaller projects or: Four stage application process – this is more generally used and an example includes the Glenview 6 bay refurbishment project; and
- Carry out of a tender process and commencement of the project.

The Council sets out the requirements of the DHPLG when advancing projects which exceed €75,000. These projects are advanced through a four-stage social housing approval process and each stage requires approval from the Department. The Council sets out the stages as follows:

- Stage 1: Project feasibility & capital appraisal;
- Stage 2: Project design, costs planning approval, followed by a Part 8 planning submission to the members of the Council;
- Stage 3: Project detail design development and cost plan for pre-tender; and
- Stage 4: Project & tender review of costs & tender submission. Stage 4 approval allows the project to proceed to construction and for the Council to appoint a contractor.

The Council states that it can therefore take a considerable period of time from inception stage to when a contractor is appointed to a project.

The Council reports that in the 2014-18 TAP, it included the intention to complete 11 units of group housing/halting site bays over the lifetime of the plan, but that this target was not achieved. However, the Council states that it was, as of October 2019, a work in progress. The Council states in its review that two units were being constructed in Collooney as of October 2019 and that there was a plan in place for up to seven

extensions in Ballyfree. It further states that a stage 1 approval had been received from the DHPLG for 3 units at Glenview.

The review states that, as of October 2019, the Council had improvement works taking place on 3 of its sites. It states that Glenview halting site (6 bays) was in the process of being renovated for reallocation and in addition, the caretaker's unit has been converted into a service unit to accommodate a family currently living on the site. It states that a stage 3 approval has been received from the DHPLG for Ballyfree halting site for the construction of a 3 bed extension to one of its units (Bay 6). The Council states in its review that work was due to commence in the months following the submission of the Equality Review in October 2019, with completion in 2020. The Council states that this would be the beginning of a wider project of bedroom extensions to 6 other units. It also states that work had begun on the renovation of a vacant bay (Bay 7) and improvement works around a number of chimneys and stoves, as well as work on the renovation of Alma Terrace halting site (4 units).

The Council states that working on acceptable proposals has been time consuming and has been a contributory factor in the lack of progress. The Council states that other factors include progress on one of the halting sites (7 units in Ballyfree) being delayed:

“due to the non-engagement of residents on a waste enforcement issue which was causing an obstruction to development work”.

The Council reports that the RAS/HAP target was not achieved, but the Council states that this was beyond its control. The Council states that Traveller households were not able to avail of such accommodation to the extent required under the TAP for a number of reasons, including the lack of supply in Sligo. The Council states that, to compensate, it addressed the deficit by making 25 additional allocations to local authority housing.

In respect of the 2017 allocations from the DHPLG, the Council states that there was no failure to draw down funds in respect of the two projects carried out that year. In respect of the Ballinode project, the Council states that it had anticipated that it would start earlier than it did. However, it states that this was a very complex project which did not commence until February 2018. It reports that this project involved a house

purchase, extensive consultations with the family, multi-agency meetings to create a workable house for the specific needs of the family. The Council states that the majority of the funding allocated by the DHPLG related to its construction element and for that reason only a small element of the funding allocated in 2017 could be drawn down that year. The Council reports that this project has now been completed with significant sums being paid to the Council by the DHPLG from the allocated budget.

The Council reports that it was not in a position to draw down all the allocated funding in 2017 for the fire safety works project for reasons outside its control. The Council reports that proposed works were only completed in 3 of the 7 Bays in Ballyfree halting site, as 4 families would not allow the works to commence. The Council states that, following lengthy discussions, an agreement was reached to allow works to proceed. The Council states that a separate allocation was given by the DHPLG for one bay in 2018 and for the three remaining bays in 2019. Effectively the DHPLG allocation for this project was reduced from €101,749 to €46,319.85.

In respect of funds allocated in 2018, the Council states that there was no failure to drawdown funds allocated that year. In respect of the Ballinode project, the Council states that all permitted expenditure was drawn down from the DHPLG in 2018, with the final account currently being prepared. The Council states that the balance outstanding will then be sought from the DHPLG. The Council states that it was not in a position to draw down the allocated funding in 2018 for disability works to one of the bays for reasons outside its control.

The Council reports that in respect of a project for two Traveller units in Collooney, this was due to be completed in late 2019. The Council states that there had been no unreasonable delay with the draw down and that the project only commenced on 19 November 2018. The Council states that the majority of the funding allocated by the DHPLG related to its construction element and, for that reason, only a small element of the funding allocated in 2018 could be drawn down that year.

Regarding the Glenview Ash Lane group housing scheme, the Council states that it was not in a position to draw down the allocated funding in 2018 for reasons outside its control. The Council states that this was due to the failure of the relevant family to

consent to the plans and designs for the project. The Council reports that there was also a fundamental lack of engagement and agreement between family members on what was to be built.

The Council outlines that in respect of the Glenview project, Ash Lane transient 6-bay site, this was an initial allocation by the DHPLG on 2 July 2018. The Council states that this project was approved on 27 March 2019, that it commenced on 17 June 2019 and that it was due to be completed in late 2019. The Council states that the majority of the funding allocated by the DHPLG to the project related to its construction element and for that reason no element of the funding allocated in 2018 could be drawn down that year.

The Council states that the upgrade of electrical metres project was ongoing as of October 2019, but was delayed due to a lack of engagement by the electrical contractor. The Council states that it is investigating a long-term solution whereby each bay would get its own meter point reference number (MRPN).

As of October 2019, the Council notes it had received funding for 5 projects, some of which were ongoing, and others completed. In addition, since notification by the DHPLG of its capital allocation for 2019, the Council reports that it submitted a further 5 projects to the Department and that four of these projects have now been allocated funding and have already started/completed, with one project currently awaiting approval at the time of submitting the Equality Review.

The Council states that it has 3 sites zoned for Traveller-specific accommodation and that, during the 4 years preceding the Equality Review, the Council has not applied for funding to develop these sites as there have been no Traveller families requesting to live in group housing or on a new halting site.

The Council reports that it had a number of projects for which funding was allocated and costs were subsequently offset against credit balances on a house acquisition. It recommends that this information be recorded as a spend and drawdown by the Council.

The Council outlines that there is an element of double counting in respect of allocations. It states that some projects will be completed in the year that the money is allocated and the other projects may take more than one year to complete. It states that in respect of the latter, such projects in year one will receive an allocation for an estimated spend. The sum allocated may not be spent or fully spent for a number of reasons. Sometimes the project is delayed or indeed may not even go ahead. Where the sum allocated is not spent or not fully spent, the unexpended sums will generally be reallocated in year 2. This process of allocation and reallocation will continue until the project is completed.

E. Any further issues of equality of opportunity

The Council states that private rented accommodation is difficult to source for members of the Traveller community although, in the 2014-2018 period, 23 Traveller families self-sourced accommodation through the HAP/ RAS schemes. This is attributed by the Council to the lack of supply of housing in the private sector, a preference by landlords to rent to self-funding families, a preference by landlords to rent to smaller households due to wear and tear on the house if a larger family occupies it; the stigma experienced by some Traveller families due to being associated with or related to feuding families in Sligo Town; and young household formations who are perceived by landlords as being risky for HAP tenancies. The Council states that there is an incentivised HAP payment available for Traveller families who are having difficulty accessing HAP accommodation. This is income and household size dependant and is targeted at those in specific need.

The Council reports that a higher number of Traveller families than settled families were in homeless services in the past 12 months, as a proportion of the population in Co. Sligo due to the above issues and problems in accessing HAP accommodation. However, the Council reports that many of these families obtain a Council allocation or are referred to approved housing bodies for support.

The Council recommends that an independent research project could be carried out, to ascertain the housing preferences of Traveller families in Ireland, in order to inform future policy. The Council believes that the ongoing debate around the perceived

housing needs of Travellers, i.e. whether Travellers are moving away from traditional halting site accommodation as they are more likely to get a Council house before a halting site bay, needs to be verified.

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 preparing the 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.

Assessment of accommodation needs

The Council does not appear to have a robust system in place to capture and record true accommodation preferences of Travellers. While the Council refers to an 'extensive assessment' carried out for the purposes of drafting its TAP, no information is provided on the methodology of this assessment: who carries out this assessment?; how is it ensured that all Travellers are assessed?; and are any steps taken to ensure that Travellers are stating their true accommodation preferences as opposed to accommodation options they perceive as being more realistically available in the shorter-term?³ The Council states that it obtains information on Traveller accommodation preferences from details completed in social housing application forms and the annual census. These sources are insufficient to provide an accurate record of true Traveller accommodation preferences.⁴

The difficulties with this approach were identified by the TAER, which found that recording snap-shot or historical data on existing accommodation did not equate to an accurate record of accommodation preferences. Furthermore, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are

³ In June 2021, after receiving a draft copy of the Commission's account of the Council's Equality Review, the Council has advised the Commission that:

"there is ongoing engagement with Travellers to ensure that their true accommodation preferences are taken into account".

⁴ In June 2021, the Council has advised that its:

"TLO is on the ground engaging with traveller [sic] families within the county. The information gathered through these interaction[s] are used to inform the TAP. Families applying for SHS are meet [sic] with on several occasions throughout the process and on an ongoing basis while awaiting SHS. These meetings help provide the information we require to capture the true accommodation preference of travellers [sic]".

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. Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies.

This is important, as the Council states that it has observed a trend in Traveller accommodation preferences away from conventional halting site / group housing schemes to standard local authority housing, yet it provides no reliable data on which to base this observation. The Council also recognises that a higher number of Traveller families than settled families were in homeless services in the 12 months prior to the date of the Equality Review. From this it is clear that some long-term accommodation needs of Travellers are not being met.⁵

It is of further concern that whilst the Council, in the Equality Review, identifies that targets were exceeded in the period 2014-2018, with an over-performance in Council tenancies (5 targeted and 30 provided), there was an under-performance in relation to group housing (11 targeted and 0 provided). This under-performance could be another factor influencing preferences.

It is also of note here that the Council states that it has 3 sites zoned for Traveller-specific accommodation and that during the previous 4 years the Council had not applied for funding to develop these sites as no Traveller families had requested to live in group housing or on a new halting site. However, the current TAP identifies that not all sites are in the ownership of the Council and that the Council will consider advancing group housing on one site if a proposed development can be agreed (Finisklin). Again, it does not seem that the Council has a robust system in place to assess the true

⁵ In June 2021, the Council has advised that:

“the data the Council relied on came from discussions with traveller [sic] families which then resulted in the targets set out in the Plan. The targets set reflected a trend away from conventional halting site/group housing schemes to standard local authority housing. We also stated that this trend had been noted in several Local Authorities in the region. Observations were based on what was happening on the ground”.

accommodation preferences of Travellers (as distinct from requiring Travellers to approach the Council with a request for certain accommodation).

The current TAP identifies a target of 66 units for the period 2019–2024. This includes upgrades on 9 units alongside: 10 group housing units; 23 Council tenancies; 5 specific purchases; 17 on RAS/HAP; and 2 voluntary housing units.

It is not made clear how the target of 66 units is arrived at. The TAP states that it is:

“based on the number of families currently sharing accommodation, potential new family formations, and families living in below-standard private rented accommodation as well as the number of families in unauthorised sites and transient sites awaiting more permanent accommodation”.

However, the assessment of need set out in the TAP does not identify how many Travellers are in below-standard private rented accommodation, and while it identifies 4 families on the roadside, it does not identify how many Travellers are on unauthorised and transient sites.⁶ Projected need is set out on the basis of 63 Travellers identified as being aged 18 and living at home or who will reach that age over the life of the TAP. However, the specific implications of these data in terms of units of accommodation are not specified.

No reference is made, in the Equality Review or the TAP, to the provision of transient sites to meet the needs of Travellers moving within or through the county or to any exploration of need in this regard.

Private rented accommodation and standard housing

The Council states that private rented accommodation is difficult to source for members of the Traveller community. This was attributed to the following: the lack of supply of housing in the private sector; a preference by landlords to rent to self-funding families; a preference by landlords to rent to smaller households due to wear and tear

⁶ In June 2021, the Council has advised that it:

“has no unauthorised site within the county. SCC maintains 1 transient, but have had no requests in the past 4 years from families moving through the county to avail of the site. No additional transient site[s] are required due to social policy which limits traveller [sic] movement, i.e. social welfare collection and attendance to schools”.

on the house if occupied by a larger family; the stigma experienced by some Traveller families due to being associated with or related to feuding families in Sligo town; and young household formations being perceived by landlords as being risky for HAP tenancies. It is noted that the Council states that an incentivised HAP payment is available for Traveller families having difficulty accessing HAP accommodation which is income and household size dependant and targeted at those in specific need. However, it is of concern that the issue of discrimination is not named as an issue in relation to this sector in this analysis, given the research findings available on this issue.

There is no indication, in the Equality Review, whether the Council has taken any steps to address such barriers experienced by Traveller families in seeking to access private rented accommodation, despite a target of 17 units under RAS/HAP in the current TAP. Under performance is reported for private rented units in the previous TAP with a target of 35 units and only 27 units achieved.⁷

The Council notes, in the Equality Review, that it does not operate a priority Scheme of Letting for Travellers in relation to standard social housing, but that it is guided by the TAP targets. There is no reference to any steps taken to address Traveller culture and identity in the provision of standard social housing, in particular in relation to steps to enable and sustain integrated intercultural communities.

Relationship with members of the Traveller community

It appears from the review that the Council seems to have good engagement with members of the Traveller community on specific housing projects. This was evident in the example given of a once-off house purchase made at a named location, with remedial works and extension. This property was purchased in order to accommodate a large Traveller family with specific needs. An assessment of the family's long-term housing needs was developed in conjunction with, *inter alia*, the family, HSE, and in-

⁷ In June 2021, the Council has advised that its:

"role is to provide SHS for families who qualify, it is not equipped to influence the private market in relation to who [sic] landlords should rent their properties, SCC compensated for the lack of accessible private rented [sic] by allocations of LA housing. In 2015 the LTACC set up a subcommittee to promote the benefits to private landlord of taking SHS tenants a workshop was held with only a small attendance from landlords".

house architects. An extension to the house was designed to meet the complex needs of the family.

However, there was evidence of where engagement by the Council with Travellers in respect of their accommodation needs has been less successful. The Council stated that improvement works were delayed at the Ballyfree halting site due to the:

“non-engagement of residents on a waste enforcement issue which was causing an obstruction to development work”.

There was no further information given in respect of the efforts made by the Council to consult with these residents to find a mutually acceptable resolution to this difficulty. The Council also stated that the fire safety works project for the Ballyfree halting site were delayed as:

“four families would not allow the works to commence”.

No further details were provided in respect of why these families had concerns about this project or what steps were taken by the Council to secure a mutually acceptable resolution.⁸

In respect of the Glenview Ash Lane group housing scheme, the Council states that the delays in progressing this project were due to the failure of the family on site to consent to the plans and designs for the project. There was also a fundamental lack of engagement and agreement between family members on what was to be built. Again, no information was provided in respect of the particular concerns raised by these families or in respect of the steps taken by the Council to try to assess and deliver on the particular accommodation needs of each of the residents of that site. The buy-in of Travellers who are residents of such sites is crucial. For this, early and ongoing consultation is necessary.⁹

⁸ In June 2021, the Council has advised that the:

“TLO worked with the families to resolve the situations, matters discussed between SCC staff and tenants are subject to GDPR and details on such individual cases cannot be disclosed”.

⁹ In June 2021 the Council has advised that:

“the complex nature of the history of Glenview, along with the ever changing criteria of the project and perceived plans off SCC played a factor in the development of the site”.

The Council further stated that it:

The Council reports, in the Equality Review, that management plans are established for halting sites, in co-operation with Traveller families, and that good management depends on 'the behaviour and lifestyle of residents and their visitors', noting further the role of the caretaker in this regard. No detail is provided as to the reasons for, or responses to, the relationship breakdown between the Council and the Traveller families that is evident in the information provided by the Council for the delays in drawdown of funding allocations from the DHPLG. There is no detail provided in relation to Traveller tenant participation in estate management or developing structures and supports for this, an approach that might be of assistance to good management and good relationships.

LTACC

The Council states that the work of its LTACC was important in drafting the TAP and monitoring the achievement of the targets set out in this document on an ongoing basis.

The Equality Review notes that membership of the LTACC includes four Councillors, four Traveller representatives and four Council officials. The Council reports that Traveller representatives resigned from the LTACC in 2018 due to 'differences in opinion' on the development of a halting site and had yet to nominate members for the new LTACC set up under the current TAP. This appears to reflect a significant breakdown in relationships with no further detail provided and no indication of the steps taken to restore this participation.¹⁰

While the Council has encountered problems within the LTACC with the current withdrawal of Traveller representatives, it does report, in the Equality Review, on provision of training to LTACC members on two occasions during the TAP 2014-2018.

"is fully aware that early and ongoing consultation is necessary for buy in by Travellers who are residents of sites. The Council always engages in early consultation".

¹⁰ In June 2021, the Council has advised that:

"the circumstances of the withdrawal was [sic] the reps looking for assurances that were outside the remit of the LTACC".

No details are provided,¹¹ however, some indication of training content is given, in the TAP 2019-2024, where it is noted that:

“notwithstanding that training was undertaken by members of the LTACC in relation to the role of the LTACC, ongoing training would be recommended for the incoming members in order to better understand the advisory and consultative role of the LTACC and to improve understanding of Traveller culture”.

Supports

The Commission notes that the Council states that it has in place a number of different supports available to members of the Traveller community to ensure their equal access to accommodation services. These include front line housing staff, meetings as required with the housing officer and a dedicated homeless officer. The Council also employs a Traveller Liaison Officer, who is available for a drop-in clinic one morning per week, as well as by appointment at other times. He acts as a dedicated point of contact for Travellers and offers follow up meetings, phone calls and house visits. He also ensures all follow up information was gathered in order to validate social housing applications.

The Equality Review advises that all social housing applicants can access supports from the Citizens Information Service, Focus Ireland or North West Simon Offices, if they have literacy issues. There is no information provided, however, on Travellers' uptake of this support, the experience of this support, or the impact of this support.

The Council also employs a full-time caretaker to assist in the operation of halting sites. The Council states it is also in continuous dialogue with Sligo Traveller Support Group in regard to their support of housing applicants.

True preferences

It is not made clear what percentage of the Traveller community in the county are actually engaged by the process of developing the TAP. There appears to be a reliance

¹¹ In June 2021, the Council has advised that:

“Details were provided in the Report viz training was given on the role of the LTACC”.

on the preference indicated in the social housing application. There is no in-depth exploration of preference identified, no tracking of preferences over time, especially in a context of delays in advancing Traveller-specific accommodation, and no independent verification of preferences.¹²

Despite this limited exploration, the Council suggests that there is a trend in preferences away from Traveller-specific accommodation to standard local authority housing. The Council recommends national research:

“to ascertain housing preferences of Traveller families in Ireland, in order to inform future policy”.

However, such research would best be pursued at county level to capture and understand if, how, and why Traveller preferences might be changing. Furthermore, this is an obligation of the Council in respect of Travellers within its own functional area and should be carried out by the Council.

Capital expenditure

In respect of capital expenditure for Traveller accommodation from 2015 to 2018, there was a significant underspend (total allocation was € €1,349,565.55 and total drawn down came to €285,156.63)¹³ There was also an underspend as of 3 October 2019 (with a total allocation of €1,624,336.07 and draw down to date of €405,221).¹⁴

It is notable however that from 2015 to 2019, the Council spent an additional €1,596,090 on the acquisition and refurbishment of social houses for the benefit of members of the Traveller community, which funds were largely drawn down from the social housing investment programme rather than the Traveller accommodation programme.

¹² In June 2021, the Council has advised that it:

“requested input in to the TAP from all traveller [sic] families on the census, and received no feedback. Also very little input came from local and national traveller [sic] representatives, with only 2 submissions [having] been received”.

¹³ The Council reports that €170,502.40 was also drawn down as offsets against credit balances on housing acquisitions during the same period.

¹⁴ The Council reports that €1,840.30 was also drawn down as offsets against credit balances on housing acquisitions during the same period.

Drawdown of funds for Traveller-specific accommodation

The tables provided by the Council in the Equality Review identify that €1,349,565.55 was allocated by the DHPLG for Traveller-specific accommodation for the period 2015-2018 with €285,256.63 drawn down by the Council. The tables further identify that €1,624,336.07 was allocated in 2019 with €405.221 draw down as of October 2019.

The Council reports a range of reasons for delays in the drawdown of this funding for Traveller-specific accommodation: complexity of a project for a family with specific and complex needs; failure by the Traveller families to consent to the designs and plans for a project (Glenview Ash group housing); issues of engagement by and agreement among the Traveller families to be accommodated (Glenview Ash group housing); Traveller families 'would not allow' planned works for a period (fire safety works); lack of engagement by a contractor (upgrade of electrical meters); and the timing of and time required to implement the various stages involved from inception stage to appointment of a contractor.

In terms of achieving the targets set by the Council in its TAP 2014-2018, it is of concern that of the target of 11 group housing / halting site placements set by the Council, none of these were achieved over the period of that TAP. The Council states that, as of October 2019, these targets remain a work in progress. The Council states that, as of October 2019, two units were being constructed in Collooney and there was a plan in place for up to seven extensions in Ballyfree and a stage 1 approval had been received from the DHPLG for 3 units at Glenview. The Council explains the delay in respect of the Ballyfree extension and Glenview project by reason of a lack of engagement and agreement on the part of the residents of these sites, which is considered above.

In respect of the Collooney project, this was due to be completed in late 2019. The Council states that there has been no unreasonable delay with the drawdown as the project only commenced on 19 November 2018. Yet, no explanation is provided as to

why, if this project was part of the initial 11 targets set out in the TAP in 2014, the project only commenced in November 2018.¹⁵

The Council states that there was no failure on its part to draw down funds allocated for Traveller-specific accommodation, but that these funds were not drawn down in the same year they were allocated in the case of some complex construction projects (e.g. the Ballinode project). The Council explains that where the sum allocated was not spent or not fully spent in the year of allocation, the unexpended sums would generally be reallocated in year 2. This process of allocation and reallocation would continue until the project was completed.

The Council also notes that it had a number of projects for which funding was allocated and costs were subsequently offset against credit balances on a house acquisition. It recommends that this information be recorded as a spend and drawdown by the Council. It further notes the potential for double counting in respect to funding allocations where projects take more than one year to complete. Where the funding allocated in a given year is not spent or not fully spent, the unexpended sums will generally be reallocated in the following year.

Homelessness

The Council notes, in the Equality Review, that Traveller families are over-represented in homeless services. This is linked to issues in accessing HAP accommodation. There is no further information provided on further reasons for this over-representation or the particular experience of homelessness for Travellers, or of specific needs that arise for Travellers due to their culture and identity and how these might be met.

Travellers can avail of the Homeless Liaison Officer of the Council. The Equality Review notes that seven Traveller families presented as homeless in 2018 of which: three

¹⁵ In June 2021, the Council has advised that:

“The TAP identified Collooney or the surrounding area as a location for Group Housing. No site had been identified at the time the TAP was approved in April 2014. A site was subsequently identified with the four stage Social Housing approval process as outlined in our submission commencing with a Stage 1 submission to the Department on 30th June 2016 and culminating with a Stage 4 approval by the Department on 8th October 2018. As advised in our submission it can take a considerable period of time from inception stage to when a contractor is appointed to a project. The Project started on 19th November 2018”.

secured Council tenancies; one a HAP tenancy; two Focus Ireland properties; and one left the county.

Public Sector Duty

There is no reference to the statutory obligations of the Council under S42 of the 2014 Act: the Public Sector Equality and Human Rights Duty, in the current TAP or the Equality Review. There is no evidence that the TAP has complied with the Public Sector Equality and Human Rights Duty and no evidence of assessment of equality and human rights issues relevant to this function by the Council.

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 policy and procedure for:
 - conducting research on Traveller preferences in the county in relation to accommodation type, the change evident in these and the factors involved in such change, and the implications for future provision;
 - presenting data, in the TAPs and progress reports, in particular: providing a breakdown, 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;
 - establishing 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;
 - 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 relationship building, and 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, 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. Engage the services of an appropriate independent body, to draft a report on the reasons why the Traveller representative members of the LTACC felt the need to resign in 2018 and, if necessary, possible steps that could be taken to ensure

that Traveller representatives on this committee in the future had a voice that was listened to and respected. Any such steps taken by the Council should be published.

5. Engage the services of an appropriate independent body, to draft a report on what concerns the residents of the Ballyfree halting site and the Glenview Ash Lane group housing site had with regard to proposed developments on these sites and what steps could be taken to meet the accommodation preferences of these residents. Any such steps taken by the Council should be published.
6. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation. This would help to inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
7. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of drawdown 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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