

An Account of Dún Laoghaire-Rathdown County Council's Equality Review and Action Plan to ensure that non-Irish nationals, (EEA and non-EEA nationals) are not treated less favourably on the grounds of race in respect of access to social housing services within its functional area



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Glossary

DHPLG Department of Housing, Planning & Local Government

DRHE Dublin Region Homeless Executive

EEA European Economic Area **ESA** Equal Status Acts 2000-2015 **HAP** Housing Assistance Payment

IHREC Irish Human Rights and Equality Commission (the “Commission”)

DLRCC Dún Laoghaire-Rathdown’s County Council

PPN Public Participation Network

1. Introduction

The Commission invited DLRCC under s. 32(1) of the *Irish Human Rights and Equality Commission Act 2014* (the "Act") to carry out an Equality Review and Equality Action Plan to ensure that non-Irish nationals, (EEA and non-EEA nationals) are not treated less favourably on the grounds of race in respect of access to social housing services within its functional area and to promote the equality of opportunity for EEA and non-EEA nationals in respect of access to social housing, as well as to homeless services within DLRCC's functional area.

DLRCC submitted the Equality Review on the 24th October 2018 and the Equality Action Plan on the 24th March 2020.

This account provides a summary description of that Equality Review and Equality Action Plan as undertaken by DLRCC.



2. Outline framework of the Dún Laoghaire-Rathdown County Council Equality Review

The Commission asked that in conducting the Equality Review DLRCC carry out the following:

- An audit of the level of equality of opportunity regarding s.10 of the Housing Act 1988¹ and s.19 of the Housing (Miscellaneous Provisions) Act 2009² services provided to non-Irish nationals (EEA and non-EEA) in DLRCC's functional area having regard to DLRCC's obligations under the ESA; and
- An examination of the practices of, and procedures in, and other relevant factors material to, the provision of accommodation services to non-Irish nationals (EEA and non-EEA) to determine whether those practices, procedures or other relevant factors are conducive to the promotion of equality of opportunity in the provision of accommodation services to non-Irish nationals (EEA and non-EEA) having regard to DLRCC's obligations under the ESA.

Specifically, the Commission asks that DLRCC address and report on the following:

- (a) The stated practice of referring non-Irish nationals, or particular groups of non-Irish nationals to the New Communities Unit of the Department of Social Protection as it appeared on the website of the DRHE. It was unclear why non-Irish nationals (either EEA, non-EEA or both) would be referred to another statutory agency, when it was the responsibility of DLRCC to provide both section 10 and section 19 services;
- (b) The reported practice, that in addition to the statutory criteria, DLRCC also required applicants to be residing at a permanent address in its administrative area for a minimum of one year prior to becoming homeless in order to qualify for

¹s.10 provides for additional provisions regarding accommodation for homeless persons.

²s.19 provides for the provision of social housing support.

accommodation services. Again, there was no apparent legislative basis for this requirement. It was not included in the Allocation Scheme;

- (c) The level and extent of training provided to all relevant staff in relation to the ESA, and the relevant aspects of EU law (with regard to EEA members and their families);
- (d) Any other areas (of either best practice, or improvements) so identified when carrying out this review; and
- (e) Any recommendations and/or findings arising from the review.

3. Summary of the Dún Laoghaire-Rathdown County Council Equality Review

DLRCC appointed an external consultant to undertake the Equality Review. The review comprised of an examination of policies, procedures and practices to determine the level of equal opportunities and practice in promoting equality of opportunity. This Equality Review involved:

1. An examination of the data collected in relation to equality grounds protected, in this case, data collected covering, non-Irish nationals (EEA and non-EEA), data related to colour, and data related to ethnicity. This included data collected by the DLRCC on housing support applications, emergency accommodation and complaints data; and
2. An examination of the relevant policies, procedural guidance and service user information. This included the DLRCC equality policies and measures, documentation guiding the provision of the DLRCC's housing and homeless schemes, information leaflets provided for applicants and an examination of the pertinent national policies and strategies, in this case relating to immigration, housing and homelessness.

The Equality Review related to the position as to the following issues on the date of its submission to the Commission (24 October 2018).

DLRCC Corporate Policies and Plans

Finding – There is a need for DLRCC Equality Statements in Policies and Plans

- There is no Equality Statement in DLRCC Corporate or service delivery strategies.

Recommendation

- DLRCC should implement the Public Sector Equality and Human Rights Duty, to integrate human rights and equality objectives, activities and reporting, into their Corporate and service strategies, plans and activities. This should address the findings and recommendations of this Equality Review, to include changes

to policies and practices to publish equality aims and objectives, provide equality data, develop and implement equality policies, in particular an Equal Status Policy and support an Equality Committee to monitor and report on progress.

Finding - DLRCC Equality Committee and Policies

- DLRCC's Equality Committee is not currently active.

Recommendation

- Supporting Action on Equality of Opportunity
- DLRCC to reactivate the Equality Committee and develop an Equal Status Policy, following best practice guidelines regarding consultation with stakeholders and service users. The Equal Status Policy will be communicated to all service users;
- DLRCC to undertake a consultation process with diverse communities, to develop and implement positive actions and engagement strategies; and
- DLRCC to provide appropriate training to staff to implement the Equal Status Policy.

Finding - Equality Training

- DLRCC has no equality training plan for staff.

Recommendation

- DLRCC to develop an equality training plan to include the equal status provisions and Public Sector Equality and Human Rights Duty.

DLRCC Practices to Promote Equality of Opportunity

Finding – Lack of Data to Report on Level of Equal Opportunities

- DLRCC state that there is no policy of promotion of equal opportunities in access to and placement in homeless services provided by the DLRCC, consequently no data collection, monitoring or reporting of equality outcomes.

There is also no DRHE policy of promotion of equal opportunities in the homeless services, consequently no data on the race ground is collected and no monitoring or reporting of equality outcomes.

- DLRCC states that they do not collect data identifying service users on the race ground,
- i.e. covering nationality, colour or ethnicity, or Irish citizenship, EEA or non-EEA nationals.

Recommendation

- The lack of equality data and information should be addressed in the implementation of the DLRCC Public Sector Equality and Human Rights Duty.

Finding – Lack of Published Plans

- DLRCC state that there is no Equality Statement requirement, equality data collection requirement or reporting and information provision requirements in the Service Level Agreements administered by the DRHE.

Recommendation

- 1. DLRCC recommends that the next regional action plan needs to be equality proofed, to address these issues and published.

Finding- No Information on EEA or non-EEA Applicants for Social Housing

- DLRCC do not collect data to allow any analysis on the race ground to determine if equality of opportunity is being promoted in the DLRCC Housing Allocations Scheme.

Recommendation

- DLRCC state that the lack of equality data and information should be addressed in the implementation of the DLRCC Public Sector Equality and Human Rights Duty;
- DLRCC to develop 'A Plain English information' booklet on housing and emergency accommodation, in partnership with the DHPLG and the National Adult Literacy Association (NALA);

- DLRCC to provide versions of this booklet in other languages, prioritising those languages spoken by the largest number of people in new communities in Ireland;and
- DLRCC to publicise the availability of interpretation services in local authorities.

National Housing Policy

- DLRCC state that there is no mention of migrants, ethnic minorities or race, in the current Government action plan for housing and homelessness - *Rebuilding Ireland*(Government of Ireland, July 2016). DLRCC state there is no reference to equal opportunities and relevant policy aims, objectives or actions in the national *Social Housing Strategy 2020*(Department of Environment, Community and Local Government, November 2014).

Finding – Clarity Regarding Impact of National Policies

- DLRCC states that there is no Equality Impact Assessment of national policies, and how they may or may not differentiate access to social services based on race, including nationality for EEA nationals and non-EEA nationals.

Finding – Equality Proof Rebuilding Ireland

- DLRCC states that the Rebuilding Ireland national policy has not been equality proofed.
- DLRCC states that the *National Migration Strategy – A Blueprint for the Future* does not refer to housing and takes no account of the different experiences of groups on the grounds of race, nationality, ethnicity etc.

Recommendation

- DLRCC could apply for funding to run a project under the Office for the Promotion of Migrant Integration (OPMI) programme.

Finding - Experience fulfilling “Normally Resides” and “Local Connection” Criteria

- DLRCC states that the questions to determine where the household normally resides or is currently resident may at the very least be interpreted incorrectly as determining a person’s eligibility for social housing in the first place.

Recommendation

- DLRCC should undertake an Equality Impact Assessment of the effect of the manner in which these criteria are asked on the Housing Support Application Form.

DLRCC confirmed that it had ceased the following practices on completion of the Equality Review:

- The practice of referring non-Irish nationals to the New Communities Unit; and
- The practice of DLRCC requiring an applicant to be residing at a permanent address in its administrative area for a minimum period of one year prior to becoming homeless in order to qualify for accommodation services.

4. Outline framework of the DLRCC's Equality Action Plan

The Commission asked that in conducting the Equality Action Plan DLRCC address the following:

- (a) How will DLRCC ensure, in the immediate term, first, that there is no conflation of eligibility criteria as between the two services (of homeless and social housing support) and, secondly that one-night-only accommodation ceases for non-Irish nationals who have been deemed ineligible on the grounds that they did not meet the criteria under Circular 41/2021 ("the Circular") and/or 2011 Regulations?
 - a. Could this be achieved through written guidance for staff and services users setting out and distinguishing between the eligibility for the two distinct services? Any such guidance should expressly state that the Circular and 2011 Regulations are not applicable to the assessment of eligibility for homeless services.
- (b) How will DLRCC ensure, in the immediate term, that non-Irish nationals applying for social housing support are not unlawfully refused?
 - a. Could this be achieved through written guidance for staff and services users setting out the correct eligibility for social housing and the proofs necessary? Any such guidance should expressly state that the Circular should no longer inform assessment for social housing support.
- (c) How will DLRCC ensure long term clarity regarding access to social housing for non-Irish nationals?
 - a. Would it be prudent to engage with the DHPLG in order to raise the concerns identified herein, and request that the Circular be withdrawn and new guidance introduced?
- (d) How will DLRCC ensure that non-Irish nationals can access homeless services and social housing supports in a meaningful way and that the service provided is one that resonates with all communities?

- a. How will DLRCC address barriers faced by non-Irish nationals when accessing these services because of language barriers including for example – the adequacy of interpreting services, the availability of information in languages other than English, the phone-in service, the self-accommodating option, and the application process?
 - b. Would it be prudent to carry out Equality Impact Assessments (that focused on the Race ground) on both the provision of homeless and social housing services, and that includes consultation with relevant staff, private service providers, service users and civil society groups?
- (e) How will DLRCC ensure that private service providers are aware of their equality law obligation when providing homeless services?
 - a. Could this be achieved through inserting an equality clause into Service Level Agreements that require an express commitment to equality compliance and that requires the development and, implementation of equality policies and training?
- (f) What are the arrangements for monitoring and review of the Equality Action Plan and who will be the named individual(s) (and their associated job titles) responsible for same?
- (g) How will DLRCC measure if the objectives of the Equality Action Plan have been achieved and when?

5. Summary of the Dún Laoghaire-Rathdown County Council's Equality Action Plan

DLRCC submitted the DLRCC Equality Action Plan 2020- 2021 on the 24th March 2020.

Action 1 - Website

DLRCC to review the content and structure of the Housing Department's web pages to improve accessibility of the information provided.

Action 2 - Staff Training

DLRCC to engage proactively with the Council's Human Resources Department to identify and participate in any relevant training opportunities that arise.

Action 3 - Equality Awareness

DLRCC to implement the new 'Good Neighbour Agreement'.

Action 4 - Equality Statement

DLRCC to draft an Equality Statement with the Council's Cross Departmental Working Group on behalf of the organization. The Equality Statement will be displayed in the public areas of DLRCC.

Action 5 - Engagement with PPN

DLRCC to work with the DLRCC PPN to raise awareness of the Action Plan and to encourage greater engagement in the development of future plans.

Action 6 - Review of the Housing Allocation Scheme

DLRCC to work with the Elected Members of the Council to adopt a new Housing Allocations Scheme.

Action 7 - Customer Surveys

DLRCC will undertake a programme of continuous engagement with customers including periodic customer surveys online and at the housing counter.

Action 8 - Further Engagement with Approved Housing Bodies

DLRCC established a 'Local Authority and Approved Housing Body Housing Delivery Forum' to allow for continued consultation and information sharing between the Council and the Approved Housing Bodies ("AHB") operating within- DLRCC.

Action 9 - Improved Form design and layout

DLRCC staff to complete 'Lean Six Sigma Yellow Belt Training Programme' in 2020. DLRCC will then undertake a project to review and improve all application forms. This will involve a check on the statutory and regulatory requirements for each individual service/procedure in addition to the incorporation of 'Plain English' and good form design principles.

Action 10 - Information on Processes and Procedures

DLRCC to undertake a 'Business Process Mapping' exercise for all of the main services/processes. DLRCC will then:

- identify all wasteful, error prone & non-value adding activities;
- identify ways in which to 'Equality Proof' the services/processes; and
- provide clear guidance to customers on the relevant procedures.

Action 11 - Landlord Training

DLRCC to implement the Residential Tenancies Board "Betterlet: Accredited Landlord Training Scheme" for private landlords.

Action 12 - Migrant Integration Strategy

DLRCC to develop an Integration Strategy.

Action 13 - Translation Services

DLRCC to assess the need for translation and interpretation services and seek to identify opportunities to provide such services on a local and/or collaborative basis with other local authorities.

Action 14 - Equality Obligations

DLRCC to work with the DRHE to ensure all Service Level Agreements relating to the provision of homeless services include Public Sector Duty Obligations.

Action 15 - Eligibility for Social Housing and Homeless Services for non-Irish Nationals

DLRCC will engage with the DRHE and DHPLG on the application of existing legislation, regulations and circulars with respect to promoting equality of opportunity for EEA and non- EEA nationals in respect of access to social housing, as well as homeless services.

Action 16 - PASS

DLRCC will liaise with the DRHE on the implementation of the new PASS system.

6. Conclusion

The Commission remains concerned in respect of the application by DLRCC of the Circular on Access to Social Housing Supports for non-Irish nationals.

The Commission remains concerned in respect of the potential application by DLRCC of the Circular to non-Irish nationals accessing the homeless services.

The Commission remains concerned that DLRCC has not addressed the concerns raised regarding the potential conflation of the eligibility criteria of access to homeless services and social housing support within its Equality Action Plan. It remains unclear what if any eligibility criteria are applied by DLRCC to non-Irish nationals seeking to access homeless service.

The Commission welcomes DLRCC's identification of the following specific actions to be taken to reduce the barriers faced by non-nationals in accessing DLRCC Services:

1. Review and amend the Housing Department webpages;
2. Implementation of the 'Good Neighbour Agreement';
3. Review the equality issues arising in the customer surveys;
4. DLRCC to engage with AHB through the 'Local Authority and Approved Housing Body Housing Delivery Forum'; and
5. Revise the application forms used by the Housing Department.

The Commission welcomes DLRCC's identification of the following specific actions to be taken to address organisational equality infrastructure:

1. Provide training to staff on equality;
2. Develop a DLRCC Equality Statement;
3. Engage with the PPN; and
4. Revise the Housing Allocation Scheme.

7. DLRCC Update June 2021

In June 2021, the Commission provided a draft copy of this account to DLRCC. DLRCC responded as follows:

- DLRCC clarified that the Equality Review and Equality Action Plan were prepared by the Housing Department, for the Housing Department to address specific issues that arose from DLRCC's Equality Review;
- DLRCC clarified that in respect of the second finding in section 2.1, above, DLRCC is not required (i.e. has no statutory obligation) to collect this information for the purpose of its housing functions;
- DLRCC clarify that in respect of the finding in section 2.3, above, DLRCC is not required (i.e. has no statutory obligation) to collect this information for the purpose of its housing functions; and
- The Circular is not used as guidance to assess applications for homeless services.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

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