

An account of the
Equality Review carried
out by Galway 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)

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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 Galway 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 09 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020. The Council did not provide a response to this request.

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 observes that it is not possible to differentiate in relation to the ethnicity of its housing applicants. The Council states that the national application form for social housing supports does not enquire about the ethnicity of the applicant, so there is no differentiation between applicants, however there are options for the type of housing sought, which includes halting site accommodation and Traveller-specific group housing. The Council states that it has made a submission to both the DHPLG and the NTACC requesting that a unique identifier be determined nationally for use by all housing authorities.

The Council states that all housing applicants are assessed in accordance with its housing allocation scheme and properties are built or purchased based on the needs identified through the completion of housing needs assessments. The Council states that its housing allocation scheme aims to promote the objectives contained in the TAP.

The Council states that it appointed a Traveller Liaison Officer in 2000. It states that the Traveller Liaison Officer contributes to the planning and provision of appropriate services, advice and support to Travellers, working to achieve the objectives as set out in the TAP. It is reported that there are also three social workers appointed in the county whose primary role is to assist the Traveller community in accessing housing supports. The Council reports that the Traveller Liaison Officer and the social workers work collaboratively with the wider community to promote good relations between Travellers and settled communities. It is stated that two halting site caretakers are employed to manage, monitor, carry out basic maintenance and inform relevant staff of more substantial works needed on the site. It is stated that they also carry out inspections to ensure fire safety equipment is present, in date and in working order.

The Council states that the TIG set up in Co. Galway implements the National Irish Traveller and Roma Interagency Group Action Plan 2017-2021 that aims to bring about

enhanced equality and quality of life for the Traveller community in Co. Galway. According to the Council the plan includes a review of funding, allocations, spending and outputs in relation to Traveller accommodation and the development of the involvement of tenants in Traveller-specific accommodation in issues relating to their scheme or site.

The Council reports that it appointed an independent expert on equality and diversity to directly consult with Travellers on their housing needs and preferences prior to the preparation of the TAP 2019-2024. It reports that a review and verification exercise took place in relation to the preferences identified by the Travellers who partook in this consultation. It reports that this exercise was conducted in partnership with the Galway Traveller Movement and the Western Traveller Intercultural Development Group. The Council states that the outcomes of this process enabled it to make better informed decisions when preparing the TAP 2019-2024. It is reported that the interviewees stated a preference for standard housing, over Traveller-specific housing and the TAP 2019-2024 was compiled accordingly. In the TAP 2019-2024 it is explained that Travellers who had applied for social housing were interviewed in private by the independent reviewers and asked about the reasons for their stated preference and their understanding of Traveller-specific accommodation available.

The Council states that the key results of this review were that of the 20 individuals and families interviewed, 16 confirmed a preference for standard housing in line with the preference stated in the application form, 2 confirmed a preference for Traveller group housing in line with the preference stated in the application form and 2 stated a preference for Traveller group housing but could not recall what their initial submitted preference had been.

The following are further stated findings from these interviews:

“Halting Sites

None of those interviewed expressed a preference for Traveller halting site accommodation. Those interviewees currently living on halting sites spoke negatively about their conditions. Issues of cold and dampness in living in a

caravan/trailer was raised in relation to the halting site in Tuam. This might be an influencing factor on people's choices. However, only one interviewee expressed any interest in such accommodation and this interest was limited and such accommodation was not their first preference.

Group Housing

The majority of interviewees had limited or no understanding of what Traveller group housing entailed. It should be noted that, even when group housing was discussed and clarified, interviewee preferences did not change. Where there was an understanding of, and preference for, group housing, it was understood as: a cul-de-sac type setting where a group of Travellers were accommodated; housing with a yard for parking a caravan and with a shed; and involving a compatible extended family as neighbours.

Private Rented Accommodation

Many interviewees expressed urgency and anxiety in relation to the precarity of their situation. This precarity was often related to insecurity in the private rented sector. Discrimination in the private rented sector was also identified as an issue.

Housing List (Record of Qualified Households)

The income cap was identified as problematic in catching out people who were still dependent on schemes and social welfare-related incomes. Regulations governing the housing list, whereby a person comes off the housing list if they leave provided accommodation, were identified as problematic in the specific circumstances faced by Travellers where people indicated that they had been left with no option but to vacate local authority provided/supported accommodation because of violence or because of unhealthy conditions."

The Council states that the LTACC has a role in advising in relation to the preparation and implementation of a TAP and the management of Traveller accommodation. It is reported that the membership of this committee includes five persons from Traveller representative organisations.

The Council reports that the agreed final draft of the TAP 2019-2024 was put on public display from 19 April to 14 June 2019 and a copy of the plan was also circulated to Galway City Council for their consideration. It is reported that two submissions were received from the Galway Traveller Movement, which were considered and amendments made as appropriate to the draft TAP. The final plan was presented to the LTACC on 1 July 2019, considered, discussed and approved for referral to the plenary Council for its adoption.

At para. 4.2 of the TAP 2019-2024, it is stated that:

“the Council will have regard to the full range of accommodation options available in the provision of long-term accommodation for Travellers including standard lettings in local authority estates, group housing, residential halting sites, voluntary housing, long term leasing and rental accommodation scheme (RAS) / Housing assistance payment (HAP). The Social Housing Assessment Regulations 2011 set out the manner in which a housing authority will determine a household’s qualification for social housing support and the description and classification of its housing need. All applicants for social housing support must be assessed in accordance with these regulations and the Council’s allocation scheme”.

In respect of transient sites, para. 4.3 of the TAP 2019-2024 states that:

“the incidence of roadside or unauthorised encampments is relatively infrequent in Galway with no discernible pattern arising. The numbers involved are relatively small. It is considered that transient accommodation suitable to meet the needs of nomadic families would best be provided on a regional basis with appropriate caretaking, maintenance and management services delivered. The Council is committed to working in partnership with other local authorities on a regional basis in relation to transient sites”.

The Council states that it continues to engage with Travellers in Traveller accommodation to resolve issues with illegal occupants, both through the legal process and onsite as appropriate. It states that the input of and engagement by the Traveller Liaison Officer with Travellers and the need for the Council to gain the trust of the

Traveller community is paramount in the successful delivery of all Traveller-specific schemes.

B. Comparison of funding to comparator group¹

The Council states that 1,049 members of the Traveller community reside within its functional area.

Table 1a of the Equality Review reports that for the period 2015–2018, total allocation for Traveller-specific accommodation was €1,822,100 and that total drawdown for that period was €390,848. According to the review, no sums were drawn down or allocated in 2015 and no sums were drawn down in 2017. There was either no expenditure or an underspend every year except for 2016, in which there was an overspend of €6,816.

For 2019, one project was reported as completed at the time of submission of the Equality Review in October 2019, and ten projects were envisaged for that year. Allocation for that year, as of October, came to €3,688,077. Drawdown for the year, as of October, came to €166,428. However, it is stated that in respect of two of the envisaged projects (Tuam and Capira security and supporting infrastructural works), the application for funding was withdrawn 'subsequent to audit done by the Office of the Data Protection Commissioner'.²

In respect of current expenditure on Traveller-specific accommodation for 2015-2018, the review reports that the total sum allocated came to €1,201,402. It is reported that the total drawdown sum came to the same amount. The Council reports that it provided total additional local authority funding of €992,509.

¹ In June 2021, the Council has advised the Commission of the following in respect of parts B, C and D of Section 1 of this account:

"Funding had been allocated on an annualized basis – unlike any other local authority roads, housing or capital programme. This annualized basis did not work or deliver the required schemes and did not fit in with a typical project management approach. In the last year this process has [sic] method of allocation has been changed to fit in with typical other housing capital projects – allocation is now done on a project by project basis".

² In June 2021, the Council has advised the Commission that there were Community CCTV and Security scheme proposals for Tuam & Capira and at the time the initial response was issued to the Commission the Council was not in a position to comment on an ongoing Data Commissioner review as the outcomes were unknown. The Council states that this is still the situation as the Community CCTV schemes are under review nationally.

Table 3 of the Equality Review sets out annual capital expenditure for general housing for 2015-2018. It is reported that the total expenditure for the four years came to €52,427,766. No breakdown was provided in respect of funding allocated and drawn down.

Table 4a of the Equality Review sets out the annual current expenditure for general housing for 2015-2018. According to the review, the total expenditure for the four years amounted to €47,130,628. Table 4b is entitled 'Annual current income – general housing 2015-2018'. This seems to be sums allocated by the DHPLG and the total figure for the four years amounts to €56,791,115. It was not clear from the tables provided whether all sums allocated were drawn down.

C. Adequacy of funding

The Council states that, despite the failure to draw down all sums allocated by the DHPLG for Traveller-specific accommodation, it exceeded its targets in relation to the provision of housing for Travellers as determined in its TAP 2014-2018. It reports that during the mid-term review of this TAP, the delivery target of housing units for Travellers was increased to reflect the increased housing need identified from 173 households to 255. It is stated that within the lifetime of the plan, the overall targets of the programme were surpassed with accommodation needs of 262 Traveller households met over the period 2014-2018. The accommodation provided was primarily in standard housing or in private rented properties.

At para. 3.2.3 of the TAP 2019-2024, it is stated that:

“there was a notable increase in Traveller families presenting as homeless and at risk of homelessness during the period of TAP 2014-2018”.

The Council states that with the support of COPE Galway and Galway Simon it assisted with the provision of emergency accommodation, support and transition services. The TAP states that the appointment of a HAP Place-Finder also assisted with securing accommodation in the private rented sector. At para. 3.2.4, it is stated that:

“unauthorised access at a number of Traveller accommodation sites resulted in damage to Council property and presented significant ongoing challenges in the

management and maintenance of such sites during the period of the program. The presence of unauthorised dwellings also contributed to overcrowding on sites, giving rise to concerns in relation to fire safety”.

D. Whether all funding allocated drawn down

The Council states that there were various challenges faced which prevented the drawing down of all funding applied for and allocated. It offers specific reasons in respect of specific projects planned.

In respect of the halting site at Craughwell, the Council states that the redevelopment project was delayed due to a direction from the DHPLG to revisit the proposed project from an engineering point of view. Stage 1 approval had been received in September 2016, but a delay was caused by the necessity to acquire additional lands. As of October 2019, the Council reported that the matter had been resolved and that contractors were due to go on site imminently.

The Council states that works at the Traveller-specific group scheme at Creggaun could not proceed due to the unauthorised occupation of the site, presenting significant health, safety and welfare concerns. The Council states that Stage 1 approval was obtained in March 2017 but the works could not proceed pending ongoing litigation to secure vacant possession of the site.

At para. 3.2.1 of the TAP 2019 – 2024, it is stated that:

“alternative housing was offered to families in caravans at Creggaun, Ballinasloe, however to date, not all families have accepted the offer of accommodation. As a result, overcrowding and unauthorised dwellings are the cause of serious concern. The alternative accommodation remains available and the council will continue to engage with the families to address their accommodation needs and related fire safety issues on the site”.

In respect of the halting site at Capira, the Council states that unauthorised occupation necessitated the suspension of improvement works and that there were particularly serious fire safety concerns regarding this halting site due to the lack of sufficient separation between caravans/mobiles and unauthorised electrical connections. The

Council states that following legal proceedings³ to secure vacant possession, the site has now been vacated by most families who had been in unauthorised occupation. The Council states in the Equality Review, that it has been able to recommence the works and that they were due to be completed in 2019 with the relevant funding drawn down by the year end. The Council states that Stage 1 approval was received in June 2017 and a claim would be made for the funding by the end of 2019.

The Council notes that the failure to draw down allocated funds has prevented it from improving the substandard living conditions of some Traveller families.

The Council states that following on from several submissions by the Council in 2019, funding has been received recently for major improvement works at Traveller-specific accommodation and it was envisaged that there would be substantial progress with these projects by the end of 2020.

E. Any further issues of equality of opportunity

The Council states that an equality and human rights statement has been incorporated into the TAP 2019–2024 to reflect the Council's commitment in this regard. The Council reports that the statement was developed by a sub-group drawn from the Council and local Traveller organisations represented on the LTACC.

The Council recommends that a unique identifier for ethnic and cultural background should be included in application forms developed by the DHPLG to facilitate access to social housing supports. The Council has made this recommendation by letters directly to the DHPLG and to the NTACC. In these letters it was observed that such an identifier is in use in other service areas including health and education.

The Council notes that there are currently no quality standards available for caravans or mobile homes, to ensure the safety and health of persons using these homes. The Council notes that British standards do exist – BS EN 1647:2018 - which is the

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 it:

"took action after many years of unsuccessful consultation and offers (3 to 4) of accommodation to the families involved...".

implementation of a European Standard – EN 1647:2018.⁴ It states that consideration should be given to implementing such standards in Ireland to assist local authorities in ensuring that temporary dwellings on council halting sites are fit for dwelling purposes.

The Council states that:

“having completed an audit and equality review in relation to Traveller accommodation in County Galway, Galway County Council is satisfied that the traveller [sic] community in County Galway has a level of equality of opportunity in accessing housing options appropriate to their needs”.

The Council was invited in a follow up letter from the Commission to clarify whether, and if so to what extent, the Council considers that its practices, procedures and other relevant factors relating to the provision of accommodation services to members of the Traveller community raise any issues of equality of opportunity and/or discrimination in this regard. However, no response was received.

⁴ In June 2021 the Council has advised the Commission that this standard is only set for: 'temporary or seasonal accommodation'.

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 detail of LTACC participation, nor of participation by local Travellers or Traveller organisations which would be expected in such a process.⁵

Inclusion of ethnicity identifier

The Council notes that on the application form for social housing, there are options for Traveller-specific housing such as halting site accommodation and Traveller-specific group housing. In this way, the accommodation needs of some members of the Traveller community may be captured. However, the Council states that given the lack of an ethnicity identifier, it has no way of determining how many Travellers opt for standard housing and so to what extent the provision of standard housing addresses the accommodation needs of the Traveller community. It is noted that the Council has taken steps to this end in sending request letters to the DHPLG and to the NTACC that such an ethnicity identifier be included in the social housing application form.⁶

Assessment of need

In terms of assessing the accommodation needs of members of the Traveller community, the Council explains that it engaged the services of an independent expert on equality and diversity to directly consult with Travellers on their housing needs and preferences prior to the preparation of the TAP 2019-2024. This was undertaken in

⁵ In June 2021, the Council has advised that the LTACC 'were included in all aspects of the review' however the detail provided by the Council points to the LTACC having been involved in the review and verification exercise carried out in preparation for the TAP 2019-2024, rather than in the Equality Review process.

⁶ 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 of the following:

"In examining the key areas of interest, Galway County Council would like to advise that a significant amount of the issues raised relate to the need for an Ethnic Identified [sic] on the social housing application process. We and other council's [sic] have continued to raise this and no change of this nature has been introduced to date – a new form (the first in many years) was introduced in April 2021 with some disability changes, but none on the ethnic identifier which had been expected. This is a national issue and one we are not able to introduce or progress at a local level..."

partnership with two local Traveller organisations. Fifty-one Traveller individuals/families who had made a housing application were invited to take part in interviews that were held over two days in four locations. Twenty Traveller individuals/families responded and were interviewed in private by the independent reviewer and asked about the reasons for their stated preference and their understanding of Traveller-specific accommodation and its availability.

While the Council concluded that the interviewees stated a preference for standard housing and that the TAP was compiled accordingly, the TAP itself identifies the limitations of this process. Only 20 individuals and families of the Traveller community were identified, so this was a qualitative rather than quantitative approach. The TAP also states that only those who had applied for social housing were interviewed. Furthermore, those interviewed did not include members of the Traveller community currently living in halting site accommodation who may not have applied for social housing but who may yet suffer from poor living conditions and overcrowding. Overall, this was an unduly limited basis on which to determine the accommodation needs of the Traveller community for the purposes of compiling the TAP.

This is the case in particular given the difficulties of cold, dampness and overcrowding on halting sites, unauthorised occupation of halting sites and the growing numbers of members of the Traveller community presenting as homeless as identified in the TAP 2019-2024. These difficulties place the Council on inquiry as to a possible greater need for Traveller-specific accommodation.

Some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason, feel they have no choice but to apply for social housing. The Council did acknowledge this in the TAP. 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.

It is noted that a TIG has been formed, however, it was not clear how this group operated to have an impact on the assessment of need and provision of Traveller-specific accommodation.

LTACC

The Equality Review indicates that the LTACC includes five representatives from local Traveller organisations. No further information is provided on their participation or influence on the LTACC or on how this is supported. The Council also noted the key role of the LTACC in the preparation and implementation of the TAP, however, again, it was not clear how, practically, the LTACC engaged in these processes.

Drawdown of funding⁷

The Equality Review identifies that in regard to funding drawdown for maintenance of Traveller-specific accommodation, the Council drew down all allocated funding for the period 2015 to 2018.

As outlined above, of the €1,822,100 allocated for Traveller-specific accommodation capital expenditure, the Council only drew down €390,848 in the period from 2015 to 2018. No sums were drawn down or allocated in 2015 and no sums were drawn down in 2017. There was either no expenditure or an underspend every year except for 2016, in which there was an overspend of €6,816. This is a poor draw down record. It is noted, however, that ten projects were envisaged in 2019. No explanation was provided to explain why the funding applications for two of these ten 2019 projects were withdrawn, other than to state that this was done 'subsequent to audit done by Office of the Data Protection Commissioner'.⁸

⁷As *per* fn 4 above, in June 2021 the Council has advised the Commission of the following in respect of parts B, C and D of Section 1:

"Funding had been allocated on an annualized basis – unlike any other local authority roads, housing or capital programme. This annualized basis did not work or deliver the required schemes and did not fit in with a typical project management approach. In the last year this process has [sic] method of allocation has been changed to fit in with typical other housing capital projects – allocation is now done on a project by project basis".

⁸As *per* fn 5 above, in June 2021 the Council has advised the Commission that there were Community CCTV and Security scheme proposals for Tuam & Capira and at the time the initial response was issued to the Commission the Council was not in a position to comment on an ongoing Data Commissioner review as the outcomes were unknown. The Council states that this is still the situation as the Community CCTV schemes are under review nationally.

The total capital expenditure for standard housing from 2015 to 2018 by comparison was €52,427,766. No figures were provided by the Council as to the breakdown of sums allocated or drawn down under this category. On the available figures, the ratio of capital spending for Traveller-specific accommodation to that for standard housing over this period was 390,848 : 52,427,766 or 1 : 134. No figures were provided in respect of the general population of the Council's functional area and so no meaningful comparison can be drawn. It is recognised, however, that the accommodation needs of Travellers may be met through general housing funds, if this form of accommodation is their true preference.

The principal reason as to why allocated funds were not drawn down given by the Council was due to delays and in the review, the Council reported a diversity of reasons for delays in draw down. It is stated that delays were caused by reason of the DHPLG requesting that the plans for the Craughwell redevelopment project be revisited for technical reasons such as directions to undertake a 'value engineering' exercise and to reduce the footprint of the units, and the later need to acquire additional lands for this project. No further detail is provided. The timeframe for the halting site in Craughwell was also delayed. Of concern is that it is stated that delays for both the Creggaun and Capira⁹ sites were caused by unauthorised occupation of these sites. In the TAP 2019 – 2024, it is stated that:

“alternative housing was offered to families in caravans at Creggaun, Ballinasloe, however to date, not all families have accepted the offer of accommodation. As a result, overcrowding and unauthorised dwellings are the cause of serious concern. The alternative accommodation remains available and the Council will continue to engage with the families to address their accommodation needs and related fire safety issues on the site”.

The consent and buy-in of members of the Traveller community is crucial before any works are planned on sites. Occupants of these sites should be consulted and given the

⁹In June 2021, the Commission has been advised by the Council that work on Capira Halting Site has been completed and has functioned since as a housing emergency response to Covid for 4 families. The Council further advises that the Craughwell Scheme was completed in April 2021 and 43 residents have been accommodated on site.

opportunity to voice any concerns they may have before planning phases commence. Furthermore, the fact that the Council took legal proceedings to obtain vacant possession of these sites is a cause for concern.¹⁰ This is evidence of a significant barrier facing members of the Traveller community in having their needs heard and addressed.

Targets

The Council reports that it exceeded its targets for the provision of housing to Travellers in relation to the TAP 2014-2018. It states that the targets in the TAP were increased during the mid-term review, from 173 to 255 households. Ultimately, provision was made for 262 households. The achieved targets were primarily in standard social housing (achieved output of 77 versus a target of 54) or in private rented accommodation (achieved output of 124 versus a target of 141).

It is reported in the current TAP that targets established in the TAP 2014-2018 in relation to Traveller-specific accommodation were not met. Seven families were accommodated in group housing against a target of fifteen families, and thirteen families were accommodated in halting sites against a target of eighteen. This under-performance is explained as being due to issues of availability and of acceptance of units or bays that became available for re-letting.

The current TAP has not identified any requirement for additional Traveller-specific accommodation beyond current provision. Commitments to upgrade current provision are included. It is of note that there was an independent review and verification exercise undertaken in relation to stated preferences, which was incorporated in the current TAP, although the limitations of this process are set out above.

Quality standards for caravans and mobile homes

While the Council noted in its Equality Review that there are currently no quality standards available for caravans or mobile homes, to ensure the safety and health of persons using these homes (akin to the British standards, BS EN 1647:2018 which is the

¹⁰ As *per* fn 7 above, in June 2021, the Council has advised the Commission that it: "took action after many years of unsuccessful consultation and offers (3 to 4) of accommodation to the families involved...".

implementation of a European Standard – EN 1647:2018), in June 2021 it made a clarification. It noted that the National Standards Authority of Ireland has published I.S. EN 1647:2018&LC:2018 '*Leisure accommodation vehicles - Caravan holiday homes - Habitation requirements relating to health and safety*', which is the same as the British standard, but is 'only set for 'temporary or seasonal accommodation'.

Traveller culture

There is no reference in the Equality Review or the current TAP to the need to proactively respond to the practical implications of cultural diversity in the general provision of social housing, which is limiting given the significant numbers of Travellers opting for such provision. As such, there is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates. There is reference in the current TAP to Traveller pride in their identity and the importance of sustaining this through active and innovative support when living in standard housing settings. However, no specific steps are identified. There is no reference made in the TAP or the Equality Review as to the Council's process for application for social housing supports, the particular barriers that Travellers might face in this process, and how effectively these barriers are being addressed.

The Council recognises Travellers' ethnic identity in the current TAP. While reference is made to applying the Control of Horses legislation in the TAP, there is no reference to taking steps to cater for or enable this element of Traveller culture and tradition.

The current TAP notes small numbers involved and no discernible pattern in unauthorised or roadside encampments. It sets out a commitment to working on a regional basis in relation to the provision of transient sites. However, no steps are referenced through which this commitment is to be realised.

Discrimination and racism

The TAP 2014-2018 identifies a significant number of Traveller households availing of private rented accommodation. The under-performance, in relation to the target set in the TAP 2014-2018, for this provision, is explained in terms of decline in properties available. While national research has evidenced the high levels of discrimination

experienced by Travellers in the private rented sector, this is not referenced. No Council initiatives to identify and address this issue of discrimination, are apparent from the Equality Review or the TAP.¹¹

The current TAP notes that the Council will not consider a transfer request from a tenant because of unsatisfactory relations with a neighbouring tenant. This does not appear to adequately respond to experiences of racism that can be encountered by Travellers within the wider society, or to reflect the issue of conflicts that can occur within the Traveller community, which is referenced in the current TAP.¹²

Homelessness

The current TAP indicates that 517 Travellers were recorded as homeless in 2016, an increase from 163 in 2011, which is noted as a disproportionate increase when compared with the general population. The current TAP points to the Council's provision of emergency accommodation, support and transition services in relation to this issue.

There is no identification in the TAP or the Equality Review of the specific experience of homelessness and homeless services by Travellers or specific needs they might have on foot of cultural difference.¹³ This is of concern if an effective response is to be ensured to homelessness among Travellers.

¹¹ In June 2021 the Council has advised the Commission that, in relation to discrimination and racism and in relation to the TAP:

"[the TAP] is for Traveller specific accommodation; it does not set the overall housing policies that apply to tenants of the local authority".

¹² In June 2021 the Council has advised the Commission that:

"[r]esponses to Racism is a priority under the Council's Anti-Social Behaviour strategy and transfers are accept [sic] on this basis. The ASB Policy was reviewed, amended and approved by the Council in Sept 2020."

The Council further states that:

"[f]or Council tenants (Traveller and non-Traveller) the full 'suite' of estate management policies apply and while they refer to each, we try to simplify the policies to the tenant handbook so that tenants do not have to use multiple documents (TAP/ASB policy etc) to seek issues to be resolved".

¹³ In June 2021, the Council has advised the Commission that it has:

"a specific Homelessness Strategy, Action Plan and staffing – which includes homeless Travellers – however the TAP programme is not a methodology used to support emergency homeless situations (e.g. emergency accommodation etc)".

Supports

The current TAP indicates that:

“all Travellers will be expected to attend and fully participate in pre-tenancy irrespective of accommodation type”.

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

“all tenants – Traveller, non-Traveller are required to undertake pre-tenancy training. This is the case in all local authorities and approved housing bodies.”

There is no reference to identifying or addressing barriers to access and participation that might be experienced by Traveller tenants.

The current TAP indicates a commitment to ensure maximum tenant participation in order to manage and maintain accommodation schemes to the highest standard. However, there is no reference to establishing the structures and supports that would be involved in effective Traveller tenant participation in estate management.¹⁴

It is noted that the Council has a Traveller Liaison Officer with a role in planning and provision of appropriate services, advice and support to Travellers, and supporting the achievement of TAP targets, three social workers with a primary role in assisting Traveller families access housing supports and two halting site caretakers who regularly meet directly with members of the Traveller community and are in a position to take on board their concerns directly.¹⁵ There is no detail provided by the Council, however, regarding the types of outcomes for Travellers engaging with these supports and Travellers experiences of these supports.¹⁶

¹⁴ In June 2021, the Council has advised that:

“[t]he TLO role includes responsibility and action plans for Estate Management, Tenant Participation and support to all families”.

¹⁵ In June 2021, the Council has advised that:

“it has been approved for and has recently appointed a second Traveller Liaison Officer to support the work of the Council on working on supporting Traveller specific accommodation”.

¹⁶ In June 2021, the Council has stated that:

“[t]he social worker review 2020 included a response to the engagement of Travellers with Social workers and TLO's [sic] across the country.’

Public Sector Equality and Human Rights Duty

It is noted that an equality and human rights statement is included in the TAP 2019-2024, to reflect and respond to the obligations of the Council under the Public Sector Equality and Human Rights Duty.¹⁷ The preparation of this statement involved the Council and local Traveller organisations represented on the LTACC. The statement takes a values-led approach and includes an assessment of the equality and human rights issues relevant to this function of the Council. The statement is to be applied as an evaluation tool in the mid-term review of the current TAP.

¹⁷ The Council has also advised in June 2021 that 19 Housing Staff attended Public Sector Duty training in 2021 and it is envisaged to build on this training into 2022.

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 recommendations, made as part of the Equality Review, to review its housing allocation scheme to consider how the basis of allocation relates to Travellers.
2. Address policy and procedure for:
 - responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities and for underpinning pride in Traveller identity;
 - 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;
 - tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
 - establishing appropriate structures and supports for Traveller tenant participation in estate management on Traveller-specific accommodation; and
 - identifying and responding to specific needs of Travellers that flow from their distinct culture and identity, particularly in relation to horse ownership.

3. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
4. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past.
5. Ensure that the Traveller Liaison Officers have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. They should also be in a position to assist with online applications where members of the Traveller community have no access to the internet. The Traveller Liaison Officers 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 members of the Traveller community remained in occupancy of the sites at Creggaun and Capira despite refurbishment works planned for these sites and in defiance of requests to vacate the sites. This report should consider the procedures in place to consult with and address any concerns raised by such Travellers in advance of the planning phase for such works and possible steps to improve on same. Any such steps taken by the Council should be published.

7. 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.
8. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report to determine the reasons for this and follow any recommendations made.
9. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

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

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



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an Duine agus Comhionannas
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