

An account of the Equality Review carried out by Kilkenny County Council in respect of Traveller-specific accommodation



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



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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 Kilkenny 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 its assessment of housing need process is specifically tailored to meet the needs of Traveller family applicants taking cognisance of possible comprehension and literacy difficulties. The Council states that it has in its employment a professionally qualified and CORU-registered senior social worker and a Traveller-specific Tenant Liaison Officer who are available to members of the Traveller community in an advocacy, consultative and supportive role. It states that this service extends to all housing and transfer applicants from the Traveller community who wish to avail of same.

The Council reports that both standard and Traveller-specific accommodation and financial supports are available to members of the Traveller community. The Council states that tailored pre- and post- tenancy supports are available specifically to the Traveller community, which were developed taking cognisance of the unique challenges faced by some members of the Traveller community in relation to their tenancies. These challenges may include a family's first tenancy, and possible comprehension/literacy difficulties. The Council states that specialised tenancy support services are weighted in favour of the Traveller community as one Traveller-specific Tenant Liaison Officer is available to 209 Traveller families while two other Tenant Liaison Officers are available to more than 2,100 tenants.

The Council reports that further support is provided by the Kilkenny Leader Partnership, facilitated through social inclusion (SICAP) funding delivered by the Council. The review states that supports provided by the Council also take the form of priority status in allocations to standard housing, caravan loans, graduated rental payments, waste removal supports and home visits.

The review sets out how the Council engages with Traveller representative organisations. It states that the LTACC is active and held 19 meetings over the duration of the TAP 2014-2018. It states that four of its members were members of the

Traveller community and that it was supported by a Traveller support worker. It states that Traveller members were supported to attend LTACC participation training courses and that the LTACC has a care and case management system in place for Traveller families on request.

The Council states that its staff participates with the Kilkenny Traveller Community Movement (KTCM) and that it has established the Kilkenny Traveller Interagency Group (KTIG). It states that it is working with the HSE Traveller Liaison Public Health Nurse and HSE Traveller Liaison Mental Health Nurse. The Council states that it has also employed three Travellers as Support Workers. The Council states that this active interagency participation has resulted in excellent levels of engagement with members of the Traveller community and their representatives. It states that this has also resulted in enhanced working relationships between the Council's staff and Travellers, relationships which are based on mutual respect and understanding.

The Council states that Travellers who present themselves as homeless are afforded the supports and services provided by Kilkenny Homeless Action Team, which is chaired by the Council's senior Social worker.¹

The Council states that the TAP consultation process resulted in meaningful engagement with Traveller families and individuals, some of whom actively supported Council staff in the assessment process. Details of the methodology of this consultation process were not however provided.²

¹ 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:

"Homeless service provision has changed in recent years to focus on the prevention of homelessness and dedicated resources in homeless prevention and HAP placements are now available to any persons at risk of homeless. This is resulting in a reduced requirement for homeless services".

² In June 2021, the Council has advised that:

"Kilkenny County Council Social Worker and Tenant Liaison Officer have had a very close working relationship with all families in the county over a long period of time. The personal relationships established have resulted in informal exchanges of information which improves those relationships. The method of consultation involved invitation to all families to attend meetings whether individually or in groups to discuss current and projected housing need. Where representatives in areas were available to provide information on extended family need this was gathered. Our team are in contact with all families where that is accepted and for each case current and existing need was discussed and captured to inform data by municipal district. While details of the number of meetings, phone calls and conversations held have not been provided we

The Council states that the TAP recognises the specific housing needs, both current and projected, of members of the Traveller community and outlines clear objectives to provide housing by specific geographical location and accommodation type. In contrast, it is stated that housing applicants from the general settled community are provided with only limited choices in respect of location and unit size based on family composition. The Council states that there is no opportunity within the Housing Need Assessment framework to address their projected housing need.³

The Council further states that the inclusion of residential caravan sites, group housing, demountable and rural cottage housing options as well as access to standard housing opportunities recognises the different cultural requirements of members of the Traveller community.

The Council states that the provision of lands and resources for the care of horses recognises the unique cultural significance of horses to the Traveller community. The Council reports that, in recognition of same, it is actively engaged in supporting the Traveller community in this regard by:

- Active participation in the Kilkenny Traveller Horse Project;
- Provision of land;
- Provision of stables;
- Provision of training in equine husbandry;
- Provision of veterinary supports; and

are happy to record all meetings regarding accommodation going forward. To establish the extent and type of consultation held in the preparation of our last TAP the Commission could seek independent verification of the process undertaken by contacting our local Traveller groups and families. While the methodology used was informal in nature it is argued that it has been extremely effective in facilitating good information exchange and data capture and could be weakened by formalising methodologies”.

³ In June 2021, the Council has advised that:

“the local authority is required to follow regulatory requirements for housing applications and the assessment of housing need. Projected housing need is not assessed in respect of any other application other than Traveller applications and this is done through the TAP process only.”

- Provision of funding for the employment of a horse project liaison post, which is currently held by a Traveller.

B. Comparison of funding to comparator group

The Council highlights that:

“the amount allocated under the specific Traveller accommodation program (€1.7ml) is a third less than the amount expended (€5.2 ml) under the SHIP programme for additional Traveller accommodation”.⁴

The Council states that, to its knowledge ‘this is not reflected in any of the Department publications’ and that ‘this understates the local authorities’ commitment to meet the accommodation needs of the Traveller community’.

Table 1a of the Equality Review sets out the annual capital expenditure for Traveller-specific accommodation from 2015 to 2018. The total sum allocated over this period is reported as €1,712,970 and the total drawdown figure came to €1,513,298, which suggests an underspend of approximately €200,000. Total additional funding secured under SHIP (standard housing) to assist the Traveller program is reported as having come to €4,853,345 and additional local authority funding as coming to €372,497. In respect of capital expenditure for 2019, total allocation is reported as coming to €21,682 (for the St. Catherine’s project) and the total draw down came to €79,375 (for the St. Mary’s Crescent project). It is reported that total drawdown under SHIP to address Traveller need came to €198,000.

The financial data supplied by the Council indicates that, in regard to funding for maintenance of Traveller-specific accommodation 2015 to 2018, the Council budgeted

⁴ In June 2021, the Council has advised the Commission that it:

“would like to clarify that expenditure in respect of the provision of Traveller accommodation over the period of the report prepared was €5.2m. This includes capital provision under both Traveller Specific and SHIP funding programmes. The priority for the Local Authority is to deliver housing solutions in line with the assessed housing need adopted under the TAP. In Kilkenny many families, during interview and housing needs assessment, have stated preference for standard housing solutions and not Traveller specific housing. In some cases, properties have been purchased specifically in consultation with families. The purchase of housing is funded under the SHIP programme and not reflected in the accounts reference to Traveller- specific accommodation”.

a total of €430,300, expended a total of €636,530, and recouped a total of €147,033 from the Department.

In respect of capital expenditure on general housing from 2015 to 2018, no sums were allocated and the total drawdown figure came to €53,880,177.⁵ It is reported that total additional local authority funding came to €646,764. In respect of current expenditure for general housing, the Council reports in Table 4 included in its Equality Review that the total sum allocated came to €1,986,699 and the total sum drawn down was €1,986,699.⁶ It is reported that total additional local authority funding came to €1,506,367.

C. Adequacy of funding

The Council states that it set a target of 65 families to be provided with permanent accommodation under the TAP and in fact delivered 90 families with accommodation during this period. This, the Council reports, was an increase of 40% on the original target set. The Council says that it has set an equal challenge for delivery of permanent accommodation under the new TAP 2019-2024.

⁵ In June 2021, the Council has advised that:

"It is inaccurate to state that 'In respect of capital expenditure on general housing from 2015 to 2018, no sums were allocated and the total drawdown figure came to €53,880,177.' In all proposed projects for the provision of housing the local authority is required to submit a project proposal for approval under a four stage approval process. An allocation of funding is approved by the Department of Housing based on assessed project cost. No housing, either general or Traveller specific, is provided without the prior approval and allocation of funding under the Department of Housing capital approval process".

The Commission notes that the figure of €53,880,177 is provided by the Council in Table 3 of its Equality Review and that the column in this Table indicating 'Allocation from Department' is blank in its entirety.

⁶ In June 2021, the Council has advised that:

"It is inaccurate to state that in respect of current expenditure for general housing, the total sum allocated came to €1,986,699 and the total sum drawn down was €1,986,699.' Financial provision to housing maintenance is made annually in Kilkenny County Councils budget adopted by the elected members of the local authority. This budget includes general and planned maintenance as well as Traveller specific maintenance. It also includes support worker costs and estate management costs. Additional financial provisions for Traveller supports are made under budgets in Community, Parks and other areas. Expenditure on Traveller services is not separated out of normal service provision in many instances and it is not proposed that this should take place as it is the objective of the local authority to integrate service provision for all residents of our communities and not to show separate costs for any group based on location, ethnicity or any other indicator. For this reason, it is not considered appropriate to include current expenditure as an indicator of equality in service provision".

D. Whether all funding allocated drawn down

The Council reports that it had drawn down 85% of its allocation for capital and current expenditure over the review period. It noted that the balance was to be drawn down once (1) the final account for St. Catherine's group housing scheme was finalised and (2) works completed on the single house in St. Mary's group housing scheme.

In a letter of clarification dated 5 June 2020, the Council confirms that the capital expenditure allocation for Traveller-specific accommodation for the construction of the new group housing scheme at St. Catherine's was drawn down in full. However, two payments were received outside of the selected period i.e. €170,285 in 2014 and €131,017 in 2019.

In relation to the St. Catherine's group housing project, the Council states that:

"[t]he challenges/delays in delivering this Traveller-specific accommodation on time range from public Planning reluctance, trespass and extreme vandalism, intimidation and theft on our site while under construction".

The Council further states that:

"[c]ontractors abandoned the site for a period and with the input of key advocates the contractors were able to return to the site to complete the Scheme".

The Council states that it applied for funding from the DHPLG for the construction of Phases 1 and 2 of St Catherine's Group Housing Scheme. In 2017, the Council applied for approval in principle for a Phase 3 scheme (three houses). This was submitted in 2017 but, as of October 2019, this was on hold as the area in question was the subject of an overall masterplan and, therefore, was premature. The Council states that some families secured alternative accommodation and a decision was yet to be made if another phase was required. It is reported that no allocation was made by the DHPLG. The Council states that the need for a further phase will be kept under review and may entail the acquisition of additional lands if the need arises.

The Council observes that, to date, all data analysis in relation to expenditure on Traveller related services has been exclusive to the provision of Traveller accommodation and has not included outlay in relation to the support and management of Traveller accommodation. It states that funding and staff support services are expended in areas such as waste management, fire services, control of dogs and horses and estate management, and that this expenditure represents a significant commitment by the local authority to support Traveller tenancies and their participation in sustainable communities.

The Council states that while it is committed to promoting an inclusive agenda in all aspects of housing delivery and in the development of sustainable communities, this can prove problematic at times by the actions of a minority within the Traveller community. It asserts that ongoing problems can arise particularly in relation to Traveller-specific accommodation with issues such as waste management, fires, anti-social behaviour and the care and control of dogs and horses. It states that these activities can reflect badly on the community as a whole and have a negative impact on everyone's peaceable enjoyment of their homes and local amenities while also impeding the Council's ability to progress with Traveller-specific accommodation schemes. The Council is of the opinion that a forum needs to be established between the local authorities and national Traveller organisations with a view to identifying appropriate actions and supports to address these issues.

The Council states that a significant issue is the ongoing challenge to balance the national objectives in relation to the provision of Traveller-specific accommodation (as reflected in TAPs and available funding streams) and meeting the identified accommodation needs of members of the Traveller community who are approved housing applicants. It states that its commitment to providing accommodation to members of the Traveller community is clearly evidenced in the review, yet public scrutiny of drawdown of 'Traveller-specific' funding suggests otherwise.

The Council states that the above issue also pertains to the national objective in the provision of transient sites, yet the assessed need in the Council's functional area and the expressed strong views of the local Traveller community says otherwise.

E. Any further issues of equality of opportunity

The Council states that it had adopted a Staff Manual entitled '*Cultural Diversity – Members of the Traveller Community*', the purpose of which is to: (i) assist staff in their working relationships with Travellers as both customers and work colleagues; and (ii) provide all staff with a practical expression of the Council's expression of their Equality & Diversity Management Policy and Customer Action/Services Plan. The Council states that it also ensured that its staff attended Traveller cultural awareness training.

Section 2 Issues arising

On the basis of the information provided by the Council, as summarised in Section 1, the Commission has considered the following issues arising:

The Equality Review process

There is no indication of the process pursued by the Council in undertaking this Equality Review.⁷ 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 need and true preferences

From the information provided by the Council, it does not appear to have in place a robust system to capture and record true accommodation preferences of members of the Traveller community.

Neither the Equality Review nor the current TAP provide much detail in regard to the assessment of need process. The Council states that its TAP consultation process resulted in meaningful engagement with Traveller families and individuals. However, no details of the methodology of this consultation process were provided: how was it ensured all Travellers were reached? How many Travellers participated? Were they given the option of giving multiple preferences to rule out false preferences by reason of poor current living conditions or a perception that there was a shortage of the accommodation of their true preference?

The TAP refers to a focus group process, in each of the four electoral areas, undertaken by the Kilkenny Traveller Movement (KTM) with Traveller families. The TAP also notes

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

“is limited in its capacity to complete an Equality Review. Staff involved in the provision of housing and Traveller support services have endeavoured to the best of their ability to carry out a meaningful and informative review of services as requested by the Commission. This was required with limited guidance or clarity on the process to be applied, with limited training on Equality assessment and in addition to existing workloads. It is our view that additional training and resources would be required to facilitate increased detail and consultation in the review process. The Commissioners account suggests in its comments on the Equality Review Process and the Assessment of Need and true preferences that increased detail and consultation would be required. Increased resources would be required to meet the implied expectations of the Commissioners account”.

that the KTM 'also assisted in the assessment of need'. There is no further detail provided, however, regarding these processes, and what weight the Council placed on the outcome of the KTM focus group process, in regard to Travellers' accommodation preference. On the face of it, however, these processes do signal the presence of an independent verification process in relation to accommodation preferences.

While the Equality Review identifies that:

"the assessment of housing need process is specifically tailored to meet the needs of Traveller family applicants taking cognisance of possible comprehension and literacy difficulties",

there is no further detail on whether and how the wider Traveller community, beyond those who make applications, are supported to understand their entitlements and/or make an application. In this regard, the TAP advises that advice and assistance will be provided to applicants 'if requested'. This would raise concerns that the approach to ensuring that Travellers in the region are adequately supported to make an application for social housing might be limited.⁸

Accurate collection and recording of data are essential. The Council identifies an apparent:

"ongoing challenge to balance the national objectives ... and meeting the identified accommodation needs of members of the Traveller community who are approved housing applicants".

This challenge would be obviated if transparent methods for the collection and recording of Traveller accommodation preferences were adopted.

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

"provides very hands on support to all housing applicants to ensure that they are aware of their entitlements to and eligibility for housing supports. Where any applicant indicates that they require support or further information on any aspect of the process of application, appropriate supports are provided. It is unclear how the Commissioner has arrived at the opinion that there are any reasons for concern around ensuring that Travellers or any other applicant in need of housing support would be adequately provided with those supports. The Local Authority cannot provide support or information where it is not asked to do so and can only assess housing need in line with statutory instruments".

It is noted that 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. 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.

Supports

The Council has in place a number of supports to ensure equal access to accommodation services for Travellers. The Equality Review identifies that the Council employ a Traveller Tenant Liaison Officer and that Travellers can access the Council's senior social worker. It references the provision of:

“tailored pre and post tenancy supports developed taking cognisance of the unique challenges faced by some members of the Traveller community in relation to their tenancies”.

The review highlights the existence of the support of the Kilkenny Leader Partnership, priority status in allocations to standard housing, caravan loans, graduated rental payments, waste removal supports, home visits and the Kilkenny Homeless Action Team. The Equality Review, however, does not offer any further detail in regard to: whether, and how generic supports take account of the specific situation, experience and identity of Travellers and the needs that arise from this diversity; and specific outcomes for Travellers from accessing the Traveller-specific supports and their experience of accessing these supports.

Traveller representation

It is noted that the Council seems to have a close working relationship with several Traveller representative bodies, notably the LTACC, the KTCM, the KTIG, the HSE Traveller Liaison Public Health Nurse and the HSE Traveller Liaison Mental Health Nurse. The Council has also employed three Travellers as support workers.

The Equality Review notes that there are four Traveller representatives on the Council's LTACC and that they are active members of the Committee. The Equality Review identifies that their attendance is supported by a Traveller support worker and through LTACC participation courses. It would have been useful to get more detail on these support processes and outcomes from them. The Equality Review does not indicate the process by which Traveller representatives are appointed and what, if any process exists for these representatives to have accountability back to the wider local Traveller community.⁹

Traveller culture and ethnicity

The policy statement of the current TAP of the Council is framed in positive terms, noting that the Council recognises 'the distinct requirement of Travellers in relation to the provision of accommodation taking particular cognisance of their ethnicity, culture, socio-economic background and family groupings. Kilkenny County Council recognizes the link between the provision of adequate accommodation and its impact on Traveller health, education, employment and life expectancy'.

It is commendable that the Council is actively engaged in supporting the Traveller community in respect of care for horses by (i) Active participation in the Kilkenny Traveller Horse Project; (ii) Provision of land; (iii) Provision of stables; (iv) Provision of training in equine husbandry; (v) Provision of veterinary supports; and (vi) Provision of funding for the employment of a horse project liaison post which is currently held by a Traveller.

Drawdown of funding and expenditure

The financial information provided by the Council indicates that over the period 2015-2018 the main area of capital funding sought, for Traveller-specific accommodation, was to develop the St Catherine's Group Housing Scheme, in two phases. During the

⁹ In June 2021, the Council has advised that :

"Traveller representation is requested through the KTCM with a requirement where possible for all areas around the county to be represented. KTCM is supported where new reps are appointed to outline the role of those attending and in particular the requirement to feedback to local communities after meetings and to request items to be raised where needed. This will be outlined on an ongoing basis going forward".

four year period in question, the Council was allocated €1,712,970 for this project, and drew down €1,513,298. Two payments were received outside of the selected period i.e. €170,285 in 2014 and €131,017 in 2019. In the further information provided by it, the Council advises that the reasons for the delays in drawdown were: public opposition to the planning permission; vandalism on the site; alleged intimidation and theft on site while the work was being undertaken.

The Council notes that 'with the input of key advocates' work was resumed and completed. It would have been helpful if the Equality Review had provided more detail on this issue, in particular, the process with 'key advocates' that helped to bring about a successful resolution to the issues.

The total draw down for capital funding of Traveller-specific accommodation from 2015 to 2018 was €1,513,298. The total draw down for general housing capital expenditure over the same period was €53,880,177. This is a ratio of 1,513,298 : 53,880,177 or 1 : 36. However, as no information was provided in respect of the Traveller population as against the general population, no meaningful comparison can be drawn from this. The Council does also highlight that while the total sum allocated under TAP funding came to €1.7 million, the total sum expended under SHIP funding to address the accommodation needs of Travellers came to €5.2 million. This suggests that the accommodation needs of a significant number of Travellers are met through standard accommodation funding.

The Council also observes where Traveller-specific accommodation is provided, there are high maintenance costs thereafter. Funding and staff support services are expended in areas such as waste management, fire services, control of dogs and horses and estate management. From 2015 to 2018, the Council expended €636,530 of local authority funds on Traveller-specific current expenditure. The maintenance grants of the DHPLG over this period came to €147,033.

Targets

It is notable that in its TAP, the Council outlines clear objectives to provide housing by specific geographical location and accommodation type. The TAP also includes a range of accommodation options for Travellers including Residential Caravan Sites, Group

Housing, demountable and rural cottage housing options as well as access to standard housing opportunities.

In its Allocation Scheme for Social Housing, Traveller households are included in the Priority Allocations section.

The Equality Review notes that at the conclusion of its 2014-2018 TAP, the Council exceeded its targets by 40% (targeted provision to 65 households versus an output of provision to 90 households). The current TAP indicates that of this target of 65 households set for the previous TAP: 51 were for standard housing; five for group housing; five for halting site provision; three single instance housing; and one rural cottage. Regarding the achieved outputs of 90 units: 66 were standard housing; eight were group housing; six were halting site units; three were single instance housing; and seven were rural cottages. This would indicate that the Council went beyond its stated targeted provision for both Traveller-specific housing and standard housing.

The current TAP notes that 24 families were assisted under the HAP and Rent Supplement schemes, and a further 15 families were provided tenancies under the Rental Assistance Scheme. It is not made clear if these 39 families are included in, or additional to, the 66 achieved outputs of standard housing units. This lack of clarity is a gap in the presentation of data in the TAP, as it is important to know the numbers of Travellers accommodated in local authority housing versus the private sector. In addition, the TAP does not provide detail on the number of Traveller families currently residing in the area and a breakdown by accommodation type, including those sharing with families, and those in homeless provision.¹⁰

In the current TAP, the Council indicates that following the assessment of current and projected need, a target of 66 units of accommodation is set for the lifetime of the current TAP: 34 standard housing; 8 group housing; 14 halting site accommodation; 5 single instance housing; and 5 rural cottages. The TAP does not provide a breakdown in regard to the targets for 34 standard housing units, specifically, how the proportion of

¹⁰ In June 2021, the Council has advised that:

"An annual Traveller count is undertaken in line with Department of Housing templates".

these that will be provided through local authority and/or approved housing body provision, and the proportion that will involve supports to access private rented accommodation.

Homelessness

The Equality Review makes reference to Traveller homelessness but provides no detail on this issue. It notes that Travellers who present themselves as homeless are afforded the supports and services provided by Kilkenny Homeless Action Team. However, there is no identification of any specificity in the experience and needs of Travellers who are homeless and how these might be addressed in the general responses to homelessness provided. In addition, the TAP gives no indication of the number of Travellers in homeless provision in the administrative area.¹¹

It is of concern that some delays in delivering Traveller-specific accommodation on time were stated to be by reason of public planning reluctance, trespass and alleged vandalism, intimidation and theft on the site while under construction. No particular examples of this were set out in the review. It is hugely important to have the buy-in of Travellers in respect of any envisaged maintenance or development works. They should be consulted and given the opportunity to voice their concerns in advance of the planning stage of any such works. If these incidents were on the part of local populations, it is not clear whether any steps were taken to report same to the police or to advise members of the Traveller community of legal avenues they might take on their own behalf. No incidents of discrimination should be tolerated.

Tenant participation

Neither the Equality Review nor the TAP make reference to any existing processes for Traveller tenant participation in estate management on the Council's Traveller-specific

¹¹ In June 2021, the Council has advised that:

"There is no ethnic identifier in homeless service assessment. We have a strong emphasis on homeless prevention and ongoing engagement with Traveller families around current and projected need. This assists in preventing homelessness. There have been very few homeless presentations that have identified as Traveller specific. We do not record individual issues or ethnicity for all homeless presentations and many have complex and varied needs. Our focus is on meeting those needs and not capturing specific indicators. Data on homeless services is available separately and would require individual case reviews to establish Traveller specific data".

accommodation. This is a concern, particularly in the context of the statement by the Council in the equality review that:

“[o]ngoing problems can arise particularly in relation Traveller Specific Accommodation with issues such as waste management, fires, anti-social behaviour and the care and control of dogs and horses”.

The review identifies the need for a forum between the Local Authorities and National Traveller organisations with a view to identifying appropriate actions and supports to address these issues.

Transient sites

In regard to transient accommodation provision, the current TAP advises that Travellers were consulted and did not wish to have transient bays provided in the area. According to the Council the TAP outlines the issues named by Travellers in this regard: concerns regarding possible feuding with an influx of Traveller families; concern that the positive relationships developed between Kilkenny Travellers and the settled community would be damaged; concerns that families using transient sites might not move on; transient sites not being seen to meet the Traveller culture of nomadism; and suggestion that Traveller families would not move onto a transient site with other Traveller families not known to them. However, it is not clear what methodology was used to collect and record the accommodation needs of Travellers more broadly, or that any examination has been conducted of Travellers moving through and within the county in terms of scale or needs arising, or any analysis of how these needs might be met in a manner that addresses such concerns.¹²

¹² In June 2021, the Council has advised that:

“The TAP process endeavours to capture existing and projected housing need and involves meeting with many families in Kilkenny. That process has resulted in a clear indication [t]hat the Kilkenny Travelling community does not prioritise the provision of a transient halting site. Consultation has indicated that such a site is [ed. presumably 'not'] desirable to Kilkenny Traveller families. Kilkenny County Council cannot disregard this preference as indicated to us by our community and cannot assess need across other administrative areas in any meaningful way”.

Public Sector Equality and Human Rights 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.

It is welcome that the Council had adopted a Staff Manual 'Cultural Diversity – Members of the Traveller Community', and that its staff attended Traveller Cultural awareness Training

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 Council's findings and recommendations from undertaking the Equality Review, including:
 - To undertake an equality review of relevant policies and statements, including the Allocations Policy; and
 - To explore the idea of establishing a forum between the local authority and local Travellers and Traveller organisations, to work collaboratively to address issues that arise in regard to estate management on Traveller-specific accommodation.
2. Address policy and procedure for:
 - presenting data in the TAPs and progress reports, in particular: providing detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area; and providing a breakdown, by accommodation type, for current accommodation status of Travellers in the administrative area;
 - identifying and responding to the practical implications of the recognition of Traveller ethnicity, for the provision of standard housing, including in relation to supporting and sustaining integrated communities;
 - tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
 - establishing the particular issues for Travellers experiencing homelessness and developing culturally specific responses to the needs of Travellers experiencing homelessness;

- establishing and developing an appropriate response to the needs of Travellers who are nomadic within and through the county; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
3. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
 4. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of 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 its Traveller-specific Tenant Liaison Officer has 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 could also assist with online applications where members of the Traveller community have no access to the internet. The officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
 6. Engage the services of an appropriate independent body, to draft a report on the reasons for any major incidences of trespass and alleged vandalism, intimidation and theft on halting sites and possible steps that could be taken to ensure that

such incidences do not recur, particularly in respect of improved consultation processes. Any such steps taken by the Council should be published.

7. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report to determine the reasons for this and follow any recommendations made.

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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