

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



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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 Meath 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 Equality Review response to the Commission on 02 October 2019.

This is the Commission's account of the Council's Equality Review that, pursuant to section 28(2) of the 2014 Act, is being published as part of the Commission's 2020 Annual Report.

It comprises three sections, namely:

1. **Key areas of interest** – which is a synopsis of the Equality Review undertaken, and the information provided, by the Council;
2. **Issues arising** – which comprises the Commission's consideration of the information contained in the Equality Review as undertaken by the Council; and
3. **Recommendations** – proposed recommendations from the Commission to the Council.

Section 1 Key areas of interest

A. Initial and ongoing assessment of Traveller-specific accommodation needs

The Council states that the 2018 Traveller annual count recorded 453 Traveller families residing in the county. In terms of accommodation type, 343 families (75.7%) were in a form of tenancy (social/private), while 76 (16.7%) households were deemed to be sharing with families, and a further 24 households (5.35%) were recorded as residing on unauthorised sites.

The Council's current TAP is for the period 2019-2024. Referring to the current TAP, the Council states that:

"this was achieved through the assessment of individual Traveller household accommodation needs, consultation with the LTACC, and public advertisement of the draft plan, which was open to submissions".

To carry out the assessment of needs for the current TAP, the Council advises that it issued a survey to 453 Traveller households in the county, with a 50% response rate achieved. It states that this was coordinated by the Council's social worker, who works specifically with the Traveller community. The Council states that it recognises that further work is required to increase the response rate and to ensure that cultural preferences are adequately captured.

The Council outlines that in this survey, the 130 Traveller households identified as currently living in private rented accommodation or sharing with relatives, recorded the following accommodation preferences:

- Standard social housing – 47 (36%);
- Private rented – 38 (29%);
- Traveller group housing scheme – 36 (28%); and
- Traveller halting site – 9 (7%).

The Council reports that a Traveller focus group was independently facilitated by an external consultant on 17th September 2019 for the purpose of the Equality Review process, with the assistance of Meath Traveller Workshop, so as to allow for engagement with Traveller service users and local Traveller organisations. A summary note of the output from this session entitled 'Traveller Focus Group Report' (TFGR) is included in Appendix 1 of the Equality Review. This document states that fourteen Travellers attended the focus group, coming from a variety of housing and accommodation settings. The TFGR finds that there is limited knowledge apparent among members of the Traveller community in respect of the assessment of needs process. The report states that:

- There is no clarity about having participated and no supports to participate identified;
- A letter in the post was the only approach identified;
- There is no knowledge as to what was in the final assessment;
- There is no independent verification of the assessment of needs for Traveller accommodation or research into why particular preferences are expressed or the implications of changing preferences; and
- There are fears identified around choosing Traveller-specific accommodation without some guarantee about neighbours and with a sense that standard housing will come available sooner.

In respect of the TAP process, the TFGR finds that there is limited knowledge of the TAP and its preparation process among the Traveller community. The TFGR records that:

- 'there is no sense of ownership of or hopes for this mechanism';
- 'there is a sense of limited ambition and poor level of implementation in relation to TAP';

- there is no knowledge of 'how to access the TAP to see what was in it or how to access and be part of the planning process'; and
- 'there is limited evidence perceived of planning for the future and exploring the needs of young Travellers in need of housing or accommodation who emerge during the lifetime of the TAP'.

The TFGR also sets out concerns of the focus group in respect of the provision of Traveller-specific accommodation by the Council. These include that there are a limited number of halting sites and group housing schemes in place, and that the need for more group housing was noted. Further issues identified included:

"building housing on halting sites and the elimination of this mode of provision; the issue of sending back money to the Department is seen as particularly problematic; poor level of maintenance; poor quality and damp conditions can be experienced in caravans; and high levels of overcrowding".

The Council notes that, as of 25 September 2019, there were 128 households placed in emergency accommodation by the Council. It states that a further analysis of this data indicated that of this number, 10 households (7.8%) were from the Traveller community. It states that:

"[w]hile data on Traveller homelessness can be extracted from the generic homeless statistics captured, it is not readily available on an ongoing basis, nor is any in-depth analysis behind the headline figures completed".

The TFGR identifies a number of issues faced by Travellers in seeking standard accommodation. These include:

"length of time on waiting list; limited support around bureaucracy and filling out all the forms required; limited information flows on the individual situation; limited follow-up to maintenance requirements when reported; if in standard housing and causing no hassle, the experience of just being forgotten about; no planning evident for Traveller children coming out of standard housing; and loss of entitlements if moving from one area to another and leaving a Council house".

In terms of supports available for Travellers, the Council identifies the LTACC as an important forum for the participation of the Traveller community in respect of the formulation and monitoring of Traveller accommodation. This committee is comprised of representatives of the Traveller community, a representative from the Meath Traveller workshop and elected members. It reports that during the lifetime of the previous TAP, the LTACC met quarterly, with varying levels of attendance from the various sectors, providing an ongoing forum for consultation, participation and accountability.

The TFGR refers to a number of shortfalls in terms of engagement between the Council and members of the Traveller community. In particular, the TFGR found that the LTACC is not identified 'as a forum enjoying familiarity or impact' and notes that the idea of a Traveller peer worker was mooted in the focus group, modelled on the approach taken by the HSE. Particular issues identified in the TFGR include:

"limited scale of support; lack of contact with and access to Council officials; lack of response to complaints made to the Council; need for more meetings with groups of Travellers like this focus group meeting; and a stronger presence on and role for the LTACC".

The Council advises that it employs a Traveller-specific social worker, whose role is to provide supports to members of the Traveller community in respect of accessing housing supports. The Council states that this role:

"represents a key specific resource in achieving equality of opportunity in access to housing services by members of the Traveller community".

The Council's social housing allocation scheme sets out the priority to be given in the allocation of social housing units, including local authority units, AHB units, and units secured under long term leasing initiatives and the rental accommodation scheme. The Council states that the scheme is predominantly based on length of time on the housing list, but also allows for priority to be afforded to specified categories for a proportion of units. Travellers are listed as one such priority category. The Council advises that monthly internal meetings of the relevant housing officials take place to review any recommendations for a special category allocation, including to members of

the Traveller community. In order to improve equal opportunity of access, the Council states that its social worker for Travellers has a pivotal role in ensuring that members of the Traveller community are provided with targeted support and guidance in respect of assessing social housing supports, where required.

The Council confirms that:

“one of the key qualifying criteria to be placed on a transfer list is the need for the tenant who is seeking a transfer to hold a tenancy in their present dwelling for a period of at least two years”.

The Council recognises that:

“conflicts are experienced within the Traveller community which at times are of significant dimension, which can prompt requests for transfers within the qualifying time scale of two years”.

The Council acknowledges that:

“this may represent a potential barrier for Travellers in accessing a housing transfer”.

According to the Council, however:

“informally Housing officials will use their discretion in respect of same, on a case by case basis, and in recognition of Travellers’ specific situation and experience”.

The review states that further consideration of the qualifying criteria for a transfer request is required:

“with a view to formalising current practice to take account of diversity within the policy”.

The Council outlines that, in respect of the annual Social Housing Assessment:

“[e]ach year, a certain cohort of applicants (as determined by the Department of Housing, Planning and Local Government) are required to update their details in respect of their social housing application by means of update and confirmation that they are still eligible for social housing”.

It states that:

“[f]ailure to respond to the request from the Housing Authority will result in their application being terminated after a certain grace period, thus losing time accrued on the social housing waiting list”.

The Council recognises that:

“literacy issues within the Traveller community, and at times difficult relationships with statutory providers and bureaucracy, combined with the nomadic culture, can result in non-reply to this request and subsequent loss of time on the social housing waiting list”.

However, the Council states that, informally, housing officials use their discretion in respect of same, on a case by case basis, and in recognition of Traveller situation and experience. The review finds that further consideration is required as to the formulation of a written policy with respect to the return of the annual Social Housing Needs assessment by members of the Traveller community, to take account of Traveller situation and culture, and the formalising of current practice on the matter.

The Council states that it is aware that accessing private rented accommodation in the present housing market is challenging and difficulties in accessing same, including alleged discrimination, are conveyed by the Traveller community through various fora. The TFGR sets out difficulties faced by Travellers in trying to access private rented accommodation. These include:

“rents are too high even with HAP; you go off the housing list if you go on HAP and no one warns you or tells that you can ask to stay on the housing list; discrimination by landlords against those on HAP and Travellers; and poor conditions and lack of follow-up to complaints made”.

The review finds that further consideration is required in reviewing targeted supports that could be further enhanced in supporting members of the Traveller community in availing of accommodation *via* HAP.

The Council recognises that the Traveller community has been disproportionately affected by homelessness. Difficulties faced by Travellers in this respect are clearly set out in the TFGR. According to the Council:

“in terms of local processes, homeless assessments and supports are provided by the Council’s Settlement Team”.

It states that:

“the internal Special Category Allocation Meetings allow for positive action to be taken for homeless travellers [sic], where the potential allocation of a social house exists”.

Findings of the review that are stated as requiring further consideration include:

- To review the Mid-East Region Homeless Action Plan 2018-2020 in respect of potential actions, that specifically target the Traveller community, and processes that might better take account of cultural diversity, that will assist in tackling homelessness, in addition to the actions already cited within the Plan;
- To ensure there is an adequate and appropriate communication of homeless supports to Travellers and an appropriate engagement with them in relation to their needs; and
- To ensure that homeless data systems can capture information pertaining to the Traveller community so as to inform homeless policy in this regard.

B. Comparison of funding to comparator group

The Council states that there were 977 Irish Travellers enumerated in County Meath in April 2016. This was unchanged from 2011, and comprises 0.5% of the county’s population, which was below the figure at national level (0.7%).

For annual capital expenditure on Traveller-specific accommodation from 2015 to 2018, the Council states that the total sum allocated by the DHPLG was €3,068,619 (inclusive of the allocation of St Francis Park (included once)). Of this, it is reported that

€367,225 was drawn down. It is reported that additional local authority funding came to €87,207. For 2019, it is reported that total allocation came to €9,458 (on the same assumption as above) and total drawdown came to €23,122. Total additional local authority funding is stated to have come to €7,547.

The Council outlines that the total sum allocated for current expenditure on Traveller accommodation for 2015-2018 was €169,907, of which the entire sum was drawn down. The Council states that it added its own funding of €82,655.

The Council outlines that for annual capital expenditure (direct construction schemes) – General Housing from 2015 to 2018, the total sum allocated came to €51,495,766 (again on the assumption that the repeated figures for the same project are not repeated allocations). The total sum drawn down reportedly came to €18,484,760.

The Council records that for both Traveller-specific and standard housing, there was a significant underspend (being the amount allocated that was not drawn down)¹ an underspend of €2,701,394 for the former and of €33,011,006 for the latter.

C. Adequacy of funding

The Council states that it has been proactive in assisting Traveller families with accommodation throughout the years. It records that, in terms of Traveller-specific accommodation, the following is the current provision in county Meath: 2 halting sites (30 bays) and 5 group housing schemes (40 units).

In its Equality Review, the Council outlines that the following progress was made in respect of targets set out in its TAP 2014-2018:

- 36 Traveller families were accommodated by the Council through standard social housing allocations, exceeding the targets set for the period (20);

¹In June 2021, after receiving a draft copy of the this account of the Council's Equality Review, the Council suggested that the term 'underspend' as defined here should be caveated to reflect the nature of major capital projects, such as direct construction projects, which in the normal course of events, take a number of years to progress from design phase, to activity on site, to completion. It explained that 'underspend' implies a degree of inactivity on behalf of the Local Authority when, in reality, the majority of projects are progressing through the various stages, with the bulk of expenditure only taking place at construction stage.

- Estimated that 202 families were assisted in securing private rented accommodation (due to the lack of an ethnic identifier on the Social Housing Application form/HAP, the Council states that it is difficult to record an exact figure);
- Works to the value of €180,639 were carried out by the Council, under the Local Authority Adaptation Works Scheme, to 15 properties that were tenanted by members of the Traveller community. These works primarily centred on catering for the needs of household members with a disability and/or older persons, in the form of the provision of extensions, wet rooms, level access showers and stair lifts;
- Maintenance expenditure, including routine maintenance, re-let expenditure and waste removal, to the value of €336,400 was expended in the upkeep of the Council's two halting sites;
- Routine maintenance expenditure of approximately €200,000 on the Council's Traveller-specific group housing schemes;
- A social worker specifically employed for Traveller accommodation provided ongoing supports to Traveller families in respect to their accommodation needs and vital linkages with health and welfare services; and
- Agreement was attained with residents of St Francis Park halting site, on a proposed refurbishment plan for the site, with Part 8 planning process to commence shortly. The Council states that this has been a long-standing capital project that has spanned a number of TAPs, but was, as of October 2019, nearing a point where the refurbishment of the site can be achieved, subject to DHPLG funding approval.

The Council states that the process in devising the TAP 2014-2018 did not identify a need for either an additional halting site/s or a transient site within the county and that, therefore, no such proposals were made, nor funding sought, in respect of same.

The Council reports that the sole capital project to be progressed during the lifetime of the TAP 2014-2018 was the refurbishment of St Francis Park halting site, Navan.

According to the Council, the aim with this proposed refurbishment was to replicate the successful refurbishment of St Martin's halting site, Trim, to a Traveller group housing scheme of 14 units, which was completed in 2011.

In respect of future provision, the Council states that the TAP 2019-2024 details the implementation measures to be addressed in fulfilment of identified need. With respect to capital Traveller-specific accommodation targets in the plan, the Council states that the following are proposed: the refurbishment of St Francis Park; the provision of three Traveller group housing schemes (20 units); and the completion of 15 Local Authority Adaptation Works Scheme projects.

D. Whether all funding allocated was drawn down

The Council advises that in 2016, following a submission by the Council in line with the TAP 2014-2018, DHPLG approval was granted for the refurbishment of St Francis Park halting site, Navan in the amount of €2,856,336. The Council states that it has been unable to bring this project to realisation, with expenditure drawdown to date relating to consultant design fees only (€168,606.54). This refurbishment proposal has been ongoing for a considerable period of time, which the Council states is primarily as a result of difficulties in attaining agreement among the residents on a redesign of the site.

The Council states that the tragic fatality of one of the tenants in St Francis Park in 2015 had a significant impact on other residents, who were immediate family members. The Council found this incident to be a significant catalyst for a change of mind for certain influential tenants, regarding the agreed proposal that was being advanced at the time, with a significant period of time elapsing before engagement could be reinitiated with the residents.

The Council state that:

“notwithstanding these difficulties, there is agreement among all stakeholders involved that an improvement in the built environment and living standards

within the halting site is now long overdue and represents a priority for both residents and the Council”.

The Council states that:

“[t]o this end, [its] Housing Section made strong efforts during 2018 to reach an agreed proposal, which culminated in the redesign of the initial plans presented”.

It states that this new proposal was submitted to the DHPLG on 20 December 2018, seeking approval to proceed to the Part 8 planning process.

The Council explains that the proposal:

“is in effect, a hybrid between a halting site and a traditional Traveller Group Housing Scheme”.

It states that:

“the dilemma that has hindered this project to date in terms of project realisation, has been the residents’ desire for improved living standards that can be attained by standard housing, while at the same time seeking to remain true to their cultural preferences”.

It states that:

“the options of providing a traditional group housing scheme or alternatively, a refurbished halting site have not provided a solution to this impasse”.

The Council believes that it has now proposed:

“an innovative approach in order to reconcile the desire of the residents to realise the living standard benefits that would accrue from standard housing, while simultaneously holding true to their cultural preferences”.

The Council states that the impact of non-drawdown of funding in respect to the refurbishment of St Francis Park is twofold. It provides that, first, the existing residents of St Francis Park continue to live in a poor-quality built environment, in anticipation of a significant refurbishment scheme, which has not been realised to date, with potential impact on health and wellbeing. Second, Traveller families on the social housing waiting

list who wish to avail of Traveller-specific accommodation have been unable to take up the opportunity that the refurbishment will present in the provision of a number of units that will be available for allocation (i.e. units that will be available in excess of the number of current residents on site). The Council states that it is 'acutely aware of these impacts' and, as outlined above, 'has made sustained efforts with the residents and Departmental officials in attempting to resolve the impasse, and progress to project realisation as soon as possible'.

The Council draws attention to reports that have highlighted a number of barriers to providing Traveller-specific accommodation (Weafer & Associates Research 2009: *Research into the barrier to the provision of Traveller Accommodation/Oireachtas Library & Research Service Spotlight Report – Traveller Accommodation: The Challenges of Implementation* 2018), including: lack of suitable land; planning issues, including objections from local residents/representatives; unrealistic Traveller expectations; Travellers changing their mind regarding accommodation preference; conflict/feuds between families; and lack of trust between Travellers and local authorities.

In the delivery of Traveller-specific accommodation, the Council states that it is cognisant of the above potential challenges to delivery and endeavours to overcome same through positive and timely engagement with necessary stakeholders.

E. Any further issues of equality of opportunity

The Council makes the following top-level findings, based on the data review exercise:

- Deficit in data capture pertaining to Travellers and disability, older Travellers and homelessness;
- Deficit in data capture pertaining to the actual number of Traveller applicants on the social housing waiting list due to lack of ethnic identifier on social housing application form;

- The deficit in data capture has implications for the Council's ability to fully forward plan and inform relevant housing plans and provision in respect to Traveller accommodation;
- The number of Traveller households residing on unauthorised sites, as recorded under the 2018 annual count, is indicative of underlying issues in securing accommodation;
- The Traveller community has been disproportionately affected by homelessness, when compared to their proportion of the overall population;
- The extent of Traveller households 'sharing' with families, as recorded under the 2018 annual count, is indicative of underlying issues in securing accommodation, in particular for newly formed young families;
- The experience of Traveller households of the Council's housing service provision is not formally captured at present; and
- A significant proportion of the Traveller community have indicated that standard housing is their accommodation preference. In terms of preference regarding Traveller-specific accommodation, group housing schemes represents the predominant choice.

The following top-level findings were identified by the Council, based on the expenditure review exercise:

- It is concluded that the reasons for non-drawdown of capital funding by the Council is not as a result of lack of equality of opportunity in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation;
- The absence of a 'sun set' clause on departmental capital funding allows for approved funding to remain ring fenced for projects indefinitely, whilst challenges are being addressed;

- As far as possible, strategies need to be put in place from project conceptualisation, in respect of positively and proactively overcoming the well documented challenges that can exist with regard to the delivery of Traveller-specific accommodation; and
- Innovative approaches to Traveller accommodation in respect of design, should be favourably received by the DHPLG, in the fulfilment of the accommodation preferences expressed by Travellers, based on their cultural identity.

A Public Sector Duty statement is included with the policy statement of the Council's TAP, while reference is also made to homelessness and disability, citing the Mid-East Region Homeless Action Plan 2018-2020 and the Council's Strategy for Housing Persons with Disability 2016-2019.

The Council identified the following top-level findings that required further consideration in order to further enhance equality of opportunity of access to Traveller-specific housing services:

- Traveller representation on LTACC should reflect the diversity that exists within the Traveller community, both in terms of equality grounds and accommodation preferences;
- Traveller representation on LTACC is a difficult responsibility and adequate supports are needed to ensure this role can be played effectively;
- Communication regarding housing services for members of the Traveller community and monitoring of TAP implementation is needed to ensure the wider community is fully informed;
- Aim to achieve a significantly higher rate of response in respect of future Traveller needs assessment, thereby assuring that the accommodation preferences are fully articulated in future Traveller needs assessment;
- The Public Sector Duty statement within the TAP could be built on with an assessment of and response to equality and human rights issues specific to

the TAP using the stated values framework, through a process of engagement by the newly formed LTACC to achieve same;

- The issues of homelessness and disability could be further examined and detailed in the TAP;
- The needs and circumstances of Travellers on unauthorised sites could be further examined and detailed in the TAP;
- Enhance and enable the advantages that exist with the presence of a Traveller representative body in the county, namely Meath Travellers Workshop; and
- Consider the reinstatement of a caravan loan scheme, based on an evidence-based approach for same, with necessary safeguards introduced, so as to remove as far as possible, the weakness of the previous scheme which led to its suspension.

The Council outlines that in terms of specific barriers that may present for Travellers in applying for social housing, 'it is important to note that Housing regulations do not allow for time on one Local Authority's social housing list to transfer to another Local Authority, should an applicant move from one County to another.' It notes that '[t]he applicant concerned must commence their time on the waiting list at the time of an approved social housing application in the County they have applied to.' The Council recognises that:

"[d]ifficulties surrounding this may arise as a result of the nomadic way of life practiced by certain members of the Traveller community".

The review found that the following points require further consideration, in order to further enhance equality of opportunity of access to housing services in respect of the allocation scheme:

- An appropriate communication strategy to enhance the level of awareness among the Traveller community in the county regarding the process of social housing allocations; and

- Consideration of how the allocation scheme and standard social housing provision can further take account of Traveller cultural diversity and their particular situation, experience and identity.

As a point requiring further consideration, the Council's review finds that in the preparation of the new Housing Disability Strategy, which was due to be devised in 2020, consideration is to be given to potential positive actions in relation to Travellers' needs, including the communication of supports available, and audit of Traveller local authority tenants who have a family member with a disability, with a view to addressing any additional housing need requirements. The TFGR states that:

"there is no provision seen as being made for Travellers with a disability to accommodate their particular needs".

The TFGR further records that 'the situation of older Travellers is not seen as being addressed, especially if living in poor conditions' and 'the potential for older Travellers to downsize to ensure their children get accommodated is not availed of'.

The TFGR notes that 'the link between mental health and suicide rates and accommodation provision was stressed' in the focus group.

The review found that the following points require further consideration, in order to further enhance equality of opportunity in the context of equality and diversity systems more broadly:

- Investigate existing good practice in respect of an equality in service provision policy and pursue the development of same for the Council;
- Development of an equality policy based on the Equal Status Acts, to establish the Council's equality standard for service users;
- Consider opportunities to increase awareness among staff members on the topic of equality and diversity through training, lunch & learn sessions and a staff newsletter; and

- Inclusion of the Public Sector Duty equality and human rights statement in all future policies and plans as required, including the forthcoming Corporate Plan, to establish the actions required to address any issues arising and to ensure annual reporting on progress in addressing the issues assessed.

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

The Council, in conducting this Equality Review, examined relevant plans, procedures and practices, assessed the equality infrastructure in place and consulted with relevant stakeholders to achieve a participative approach. A Traveller Focus Group was convened to inform the Equality Review, with the assistance of a local Traveller organisation and independently facilitated by an external consultant, who also advised the Council on how to undertake the Equality Review. The final draft of the Equality Review was discussed at the LTACC meeting.

The Council's Equality Review report reflects a comprehensive approach taken by the Council in identifying and assessing the equality issues arising in the delivery of the Council's TAP. This is evidenced by: the Council's consultative approach (with local Travellers); an identification of a range of issues of equality of opportunity; a review of general housing policies and plans, including the Council's Strategic Plan for Housing Persons with a Disability, to determine gaps and possible areas for action, in improving these policies and plans in relation to their coverage of the Traveller community; the identification of a number of 'top level findings, to improve upon the existing solid basis of facilitating equality of opportunity to access to housing services by members of the Traveller community' and the commitment to develop an action plan to address these findings.

Assessment of need and capturing true preferences

From the information provided by the Council, it does not appear to have a robust system in place to capture and record Traveller accommodation needs.²

² In June 2021, the Council, in reference to this observation, stated that:

"the key assessment of housing need of a member of the Traveller community in the County is ultimately through the social housing application process (Section 4.1 of the TAP 2019-2024 refers), through which accommodation preferences are recorded. This is an ongoing process throughout the duration of a TAP. The assessment of need in devising the TAP 2019-2024 was

The Equality Review notes issues with the assessment of need prior to the preparation of the TAP 2019-2024. While the Council carried out a survey, this had only a 50% response rate after being issued to 453 Traveller households. It is not clear what steps were taken to ensure that the survey was sent to all Travellers within the functional area of the Council. It was also not clear whether any supports were offered to ensure that Travellers with literacy difficulties were assisted in participating. In the list of collected preferences set out in the review, it is suggested that these were collected solely from Travellers currently living in private rented accommodation or sharing with relatives.³ It is of concern that the TFGR recorded limited knowledge among members of the Traveller community in respect of the assessment of needs process and indeed the process and content of the current TAP.

While the Council highlights that it employs a Traveller-specific social worker, whose role is to provide supports to members of the Traveller community in respect of accessing housing supports, it also notes particular issues regarding Travellers' engagement with the Social Housing Needs Assessment, including: literacy issues; difficult relationships with statutory providers; bureaucracy; and the nomadic culture. The TFGR further identifies issues of:

"limited support around bureaucracy and filling out all the forms required; limited information flows on the individual situation; limited follow-up to maintenance requirements when reported; if in standard housing and causing no hassle, the

based on Traveller applicants on Meath County Council social housing waiting list, outcome of the annual Traveller Count November 2018, and knowledge of the Housing Department's Social Worker for the Traveller Community. The completion of the survey process represented one aspect of this process. A process of 'reminder' follow up telephone calls were made to those that had been issued with a survey, and had not responded, in order to maximise the number of responses, while assistance was provided for those that indicated literacy issues (survey talked through and responses noted over the telephone). The result[s] of the survey were utilised to inform target setting, not a direct association. Targets were set, mindful of i) all data that fed into the process, ii) realism in terms of what can be achieved during a five year period (ambition was factored in, which is evident in the increase on targets compared to the previous TAP), and iii) in accordance with our Allocation Scheme, which is time based".

³In June 2021 the Council stated that, of the 223 surveys where responses were received:

"130 indicated that they were in private rented or sharing with family. It was this cohort of responses (130) that were reported upon in respect of accommodation preferences, with a view to informing the need for the TAP 2019-2024. The balance of surveys received (93) were predominately from Travellers already in Local Authority housing, therefore their housing needs were already fulfilled".

experience of just being forgotten about; no planning evident for Traveller children coming out of standard housing; and loss of entitlements if moving from one area to another and leaving a Council house”.

Further, in terms of capturing true preferences, 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 itself identifies a number of indicators suggesting that all Traveller accommodation needs were not being addressed. In the Equality Review, the Council states that the number of Traveller households residing on unauthorised sites and the extent of Traveller households ‘sharing’ with families, as recorded under the 2018 annual count, were indicative of underlying issues in securing accommodation, in particular for newly formed young families. It further notes that the Traveller community has been disproportionately affected by homelessness, when compared to their proportion of the overall population.

It is also of concern that the TFGR identified some of these issues in its consultation with Travellers residing in the functional area of the Council. The TFGR sets out concerns of Travellers in respect of the provision of Traveller-specific accommodation by the Council. These included that there were a limited number of halting sites and group housing schemes in place and a need for more group housing was noted. Further issues identified included:

“building housing on halting sites and the elimination of this mode of provision; the issue of sending back money to the Department is seen as particularly problematic; poor level of maintenance; poor quality and damp conditions can be experienced in caravans; and high levels of overcrowding”.

It is of concern that despite the above indicators and record of the views of Travellers themselves in the context of the TFGR consultation, the Council states that the process in devising the TAP 2014-2018 did not identify a need for either an additional halting site/s or a transient site within the county. Accordingly, no such proposals were made, nor funding sought in respect of same. In respect of future provision, the TAP

2019-2024 contained proposals for the refurbishment of an existing halting site, St Francis Park, the provision of three Traveller group housing schemes and local authority adaptation works.

Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons for a stated preference 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.

The TAP acknowledges that accommodation preferences can vary over time and commits to monitoring and reviewing these on an ongoing basis. However, the TFGR notes an absence of any independent verification of preferences in relation to type of accommodation.

Delays in the drawdown of funding

While the Council states that it exceeded its targets as set out in its TAP 2014-2018, for both Traveller-specific and standard housing, there was a significant underspend over the period 2015-2018 (being the amount allocated that was not drawn down). An underspend of €2,701,394 was reported for the former and of €33,011,006 for the latter.

The significant underspend over this period on Traveller-specific accommodation arose principally in relation to the refurbishment of St Francis Park halting site. Funding was allocated for this project in each year from 2015 to 2019, yet only fractional funds were drawn down from this allocation in 2016, 2018 and 2019.

It is noted, however, that as of October 2019, total allocation for Traveller-specific accommodation came to €9,458 and total drawdown came to €23,122, an overspend of €13,664.

The Council states that the ratio of draw down for Traveller-specific accommodation to standard accommodation was €367,225 : €18,484,760 or 1:50. The ratio of the Traveller population to the settled population of the functional area of the Council is provided as being 1:199.

The Council concludes, based on its review of its policies, that the reasons for non-drawdown of capital funding by the Council, as described under Section 4.4 of the review, is not as a result of lack of equality of opportunity in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation.

TAP 2019-2024

The TAP 2019-2024 states that:

“[t]he availability of social housing supply, competing priority demands, and the fact that there is a waiting period for all newly approved social housing applicants before an allocation of a social house is made, represents the context in which this Traveller Accommodation Programme will be delivered”.

The Equality Review notes that the current TAP identifies 130 Traveller households living in private rented accommodation or sharing with relatives as being recorded, with the following accommodation preferences: standard social housing (47 - 36%); private rented accommodation (38 - 29%); group housing (36 - 28%); and halting site (9 - 7%). Nine imminent family formations were identified as possibly requiring provision.

The current TAP identifies that provision is to be driven by standard social housing. There is to be some provision of additional group housing and it is expected that the refurbishment project, in St Francis Park halting site, that has been subject to delay will be progressed. However, there appears to be a mismatch between assessed need and projected provision: standard housing (projection of 45 against need for 47), group housing (projection of 20 against need for 36), halting site (projection of 3 against need for 9), and private rented sector (HAP) (projection of 150 against need for 38). This gap in relation to articulated preferences is not explained.

Private rented sector

The Council estimates that over the period of the previous TAP, 202 families were supported to access private rented accommodation. The current TAP notes that HAP will continue to represent a key housing support over the period. However, the Equality Review notes that accessing private rented accommodation in the current context is challenging, with additional difficulties for Travellers relating to experiences of

discrimination. The Equality Review commits to considering supports for Travellers that could better enable them to avail of accommodation through HAP. No further detail is provided on this, in particular, in relation to addressing issues of discrimination.

Traveller culture and ethnicity

The TAP recognises that the provision of Traveller-specific accommodation needs to respond to a range of culturally-specific needs, which include nomadism, proximity to family, and access to other social and economic activities. However, the TAP makes no reference to horse ownership or to how economic activities might be addressed.

Further, the current TAP states that no need has been identified for the provision of transient sites. The basis for this is not made clear other than discussion at the LTACC. It also states that:

“the Council endeavours to provide accommodation and associated accommodation supports to the indigenous Traveller community, having regard to their ethnic identity”.

However, ‘indigenous’ is not defined and holds the potential to fail to take account of Traveller nomadism, and to run counter to the local connection requirements in the 2011 Assessment Regulations.

Caravan Loan Scheme

While the Council states that it discontinued the caravan loan a number of years ago, due to a very high rate of non-payment and arrears, it is noted by the Commission that the Council has committed to considering the reinstatement of this loan scheme, based on an evidence-based approach, with necessary safeguards introduced, so as to remove as far as possible, the weakness of the previous scheme which led to its suspension.

Unauthorised sites

The Equality Review further notes that the needs and circumstances of Travellers on unauthorised sites could be further examined and detailed in the TAP: 24 Traveller

households were identified in the 2018 Annual Count as living on unauthorised sites. This number is indicative of underlying issues in securing accommodation.

Homelessness

The Equality Review notes that Travellers have been disproportionately affected by homelessness when compared to their proportion of the overall population. The Mid East Region Homeless Action Plan 2018-2020 makes reference to the extent of homelessness being experienced by members of the Traveller community, and the role of the TAP. The lack of data in this regard is noted by the Council. The Equality Review notes that, while Travellers will benefit from implementation of the Homeless Action Plan, there are no Traveller-specific actions contained in that plan or no particular focus on the adaptations that might be required for cultural diversity. The review notes the need for review of the Homeless Action Plan, to address these issues, alongside communication with Travellers on the supports available and in relation to their specific needs.

The current TAP includes a targeted provision for a small number of Housing First tenancies (3) in recognition of long-term homelessness for a number of Travellers. The Equality Review notes as a finding that homelessness could be further examined and detailed in the TAP

Barriers in assessment and allocation policies

The Council's Social Housing Allocation Scheme (Special Category Allocations) allows for priority to be afforded to specified categories for a proportion of units. Travellers are listed as one such priority category, recognising the challenges faced by Travellers in respect of housing. Monthly internal meetings of the relevant housing officials take place to review any recommendations for a special category allocation, including to Travellers.

The Equality Review notes a national policy issue in relation to the loss of entitlements if moving from one area to another and leaving a Council house. In terms of specific barriers that may present for Travellers in applying for social housing, housing

regulations do not allow for time on one local authority's social housing list to transfer to another local authority, should an applicant move from one county to another.

The Equality Review identifies the need for: intensifying the supports to Travellers in relation to better understanding and engaging with the social housing assessment procedures; an appropriate communication strategy to enhance level of awareness among Travellers; consideration as to how the allocation scheme might further take account of Traveller cultural diversity; and formalising the flexibilities afforded in relation to return of annual social housing assessment and transfer requests to take account of diversity.

Strategic Plan for Housing Persons with a Disability

The Equality Review notes that the Council's Strategic Plan for Housing Persons with a Disability does not make specific reference to Travellers. However, the Equality Review identifies that Travellers have benefited from implementation of this plan, through targeted supply of appropriate new units and adaptations to existing social housing stock. The current TAP also makes provision for a number of local authority adaptation works (15). The Equality Review identifies the need for further detail, in the TAP, on Travellers with disabilities and commits to consideration of positive actions in relation to Traveller needs in the new Housing Persons with a Disability Strategy. The TFGR further pointed to the need to address the situation, and particular needs, of older Travellers

LTACC

The Council identified the LTACC as an important forum for the participation of the Traveller community in respect of the formulation and monitoring of Traveller accommodation.

It is of concern however that the TFGR identified a number of shortfalls in terms of engagement between the Council and members of the Traveller community. It notes issues of lack of familiarity with and impact of the LTACC. These shortfalls are indicative of a lack of meaningful engagement and consultation with the Traveller community on the ground. The Commission notes that the Equality Review commits to

exploring a Traveller representation that reflects the diversity of the community, and provision of supports to Traveller representatives to effectively play their role.

Supports

The Equality Review highlights some actions taken to support members of the Traveller community to access housing services including: support and guidance provided by the social worker for Travellers; flexibility from housing officials in relation to the requirements to reply to the annual social housing assessment; and flexibility from housing officials in dealing with transfer requests, in recognition of experiences that might be specific to the Traveller community.

The current TAP notes the importance of arrangements for the management and maintenance of Traveller-specific accommodation, including estate management. However, no reference is made to any formal arrangements for tenant participation in such estate management. Further, there is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates.

Public Sector Equality and Human Rights Duty

The Equality Review and the current TAP make reference to the Public Sector Equality and Human Rights Duty. The TAP notes a commitment to an approach to the duty based on the values of dignity, inclusion, social justice, democracy, and autonomy. The Equality Review points to the need to build on this with an assessment of the equality and human rights issues relevant to the TAP.

The Equality Review further explores the equality infrastructure in place in the Council and commits to addressing a number of findings in this regard, including: investigating good practice in relation to equality in service provision; development of an equality policy based on the Equal Status Acts; considering opportunities to raise staff awareness of equality and diversity; and implementing the Public Sector Equality and Human Rights Duty across all plans.

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 findings enumerated in the Council's Equality Review.
2. Address policy and procedure for:
 - establishing an understanding of the practical implications of Traveller ethnicity, and, in particular, responding to specific needs in relation to social and economic activities rooted in Traveller culture and identity;
 - independently verifying the preferences of the Traveller community in relation to type of accommodation;
 - reviewing provisions in relation to 'indigenous Travellers' and the local connection requirements to access housing supports, including Traveller-specific accommodation, to ensure that there is no discrimination when compared to the requirements on the wider community in access to social housing;
 - establishing and developing a response to the needs of Traveller who are nomadic within and through the county through the provision transient halting site bays;
 - responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;
 - establishing appropriate processes for Traveller tenant participation in estate management on Traveller-specific accommodation; and
 - addressing the issues identified for Travellers seeking accommodation in the private rented sector.

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). The TFGR process in itself proved to be a successful means of engaging with members of the Traveller community and this could be used alongside or to assist in the gathering of data by survey.
5. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns it may have in respect of their accommodation directly. The officer could also assist with online applications where members of the Traveller community have no access to the internet. The Traveller Liaison 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. A Traveller Liaison Officer could serve to improve engagement and consultation with 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 are not aware of the work of the LTACC or the TAP process and possible steps that could be taken to

improve awareness raising among Travellers on such issues. Any such steps taken by the Council should be published.

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

Appendix 1

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

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

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



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