

An account of the Equality Review carried out by South Dublin 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)

SHIP: Social Housing Investment Program, sometimes referred to as Social Housing Capital Investment Programme (SHCIP)

SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

Under section 32(1) of the *Irish Human Rights and Equality Commission Act 2014* (the '2014 Act') the Commission may invite a particular undertaking to carry out an equality review.

In June 2019 the Commission invited South Dublin 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 12 December 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

In respect of assessing need, the Council states that staff in its TAU 'conducted an assessment of need, issuing public notices and consulting with key stakeholders, including the LTACC in preparation for and to inform the current TAP, which addresses new accommodation targets as well as a programme of refurbishment works'. It states that, '[i]n addition, the DHPLG coordinates the undertaking by local authorities of an annual estimate of Traveller families and their accommodation position'. The Council observes that 'while the consultative nature of the process for assessing Traveller accommodation need is a welcome one, particularly as it supports the participation of local Traveller organisations, it is noted that there has not been an exhaustive or detailed census of Traveller accommodation needs for the area for some time'.

According to the Council, its TAP 2019-2024 was adopted on 8 July 2019 and details the Council's latest assessment of housing need under s. 6 of the 1998 Act. It reports that 108 Traveller families in total were in need of accommodation (71 were currently living in shared / temporary / unauthorised sites, 1 family was currently living on the roadside and 36 families were in homeless services / private rented accommodation). Of the total of 108 families, the Council concluded that 55 required Traveller-specific accommodation, as 53 had opted for standard social housing. The Council states that 'this assessment of Travellers' accommodation needs and preferences (for traveller [sic] specific accommodation, standard social housing, private rented) informed the Council's TAP 2019-2024 and its targets for delivery for each of the 5 years of the programme'.

The *South Dublin County Development Plan 2016–2022* provides details as to the Council's plans for housing services. The Council highlights that Objective 2 of the Plan states as follows: 'It is an objective of the Council to try and ensure that groups with special housing needs, such as the elderly, people with disabilities, the homeless and Travellers are accommodated in a way suitable to their specific needs'. The Council further highlights that the plan defines Traveller accommodation as comprising two forms: halting sites and group housings. It states, in this regard, that '[a] halting site is an area with

ancillary structures provided by the Council for occupation by members of the Travelling [sic] community with their caravans and motor vehicles but excluding horses' and '[g]roup housing is housing accommodation specifically designed to meet the needs of the Traveller community'.

The Council states that Traveller-specific accommodation is eligible for 100% capital funding from the DHPLG.

The Council states that it also 'administers a Traveller Interagency Group for state service providers and non-governmental organisations in relation to the National Traveller and Roma Inclusion Strategy 2017-2012'.

In terms of monitoring progress on the TAP targets, the Council states that 'the Director of Housing, Social and Community Development with responsibility for implementation of the TAP reports to the Chief Executive and Senior Management Team, the Local Traveller Accommodation Consultative Committee, the Housing Strategic Policy Committee, the Corporate Policy Group and the Elected Members at the monthly Council meeting on progress and issues relating to Traveller accommodation.' The Council provides that the LTACC has an advisory role in relation to the preparation and implementation of the TAP and the management of accommodation for Travellers. The Council states that 'there is also annual reporting on the implementation of the programme as well as a formal mid-programme review and the Traveller Accommodation Unit liaises with the DHPLG on an ongoing basis in relation to all matters relating to the provision and funding of Traveller accommodation'.

The Council states that it has specific supports for Travellers to ensure their access to accommodation services, including a dedicated TAU and a Caravan Loan Scheme. It states that it employs Traveller Social Workers in recognition that Travellers require additional supports in accessing housing supports. The Council states that it:

"also facilitates ongoing individual contact with Travellers by Housing officials relating to their accommodation needs and are running a pilot with monthly clinics held in the offices of the Traveller Development Group".

The Council states that:

“funding has been provided in the Council’s revenue budget to design and deliver training and capacity building for Travellers who wish to participate in the establishment of resident associations as well as piloting a Traveller Participatory Budgeting Initiative”.

The Council states that the LTACC provides a liaison between Travellers, elected members and officials of the Council. It states that it is composed of elected members, senior officials from the Housing Department and representatives from the Traveller community and Clondalkin and Tallaght Traveller Development Groups and meets at a minimum on a quarterly basis. The Council states that the LTACC is:

“a forum for participation and consultation with updates provided at each meeting on the delivery of the Traveller Accommodation Programme”.

The Council state that its staff report ‘very good working relations’ with the LTACC and local Traveller Development Groups.

The Council states that members of the Traveller community can apply for any form of accommodation provided by it, including standard local authority housing, private rented accommodation or private housing assisted by local authorities or AHBs. The Council states that its Allocations Scheme, adopted in 2011, is administered in accordance with s. 22 of the 2009 Act and the 2011 Allocation Regulations. According to the Council, the scheme states the order of priority is to be considered on a time basis, ‘other than those applicants applying for overall priority’, and that a proportion of dwellings becoming available shall be afforded to ‘the specified categories’, which include ‘exceptional medical/compassionate grounds’.

The Council states that the Allocations Scheme is time based/choice based for standard social housing and that ‘the Traveller-specific Housing List is comprised of two lists; one North and one South of the Naas Road’ and applicants can be on both lists in addition to the standard social housing list. It further states that choice based allocation, where applicants express interest in available properties via an online system, is not currently applied to vacancies in Traveller-specific accommodation.

The Council states that it has an allocations priority committee, which is an internal structure that is in place to review all housing applicants, including Traveller-specific cases with acute/urgent accommodation needs in line with the legislative provision in s. 22(7) of the 2009 Act that:

“a housing authority may disregard the order of priority given to a household arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by the housing authority, or exceptional medical or compassionate grounds”.

B. Comparison of funding to comparator group

The Council states that, according to the 2016 Census, its functional area has the highest Traveller population in the Dublin region and the second highest in the State, after Galway City and County.

According to the figures provided by the Council in respect of annual capital expenditure for Traveller-specific accommodation from 2015 to 2018, the total sum allocated by the DHPLG came to €1,965,268 and the total sum drawn down over this period came to €1,331,054. The Council provides that, in 2019, the total capital expenditure for Traveller-specific accommodation allocated by the DHPLG was €1,181,210 and the total sum drawn was €106,719 as of December 2019.

In respect of revenue expenditure for Traveller-specific accommodation from 2015 to 2019, the total figure allocated by the DHPLG reportedly came to €915,385. The Council states that the total sum drawn down was the same figure. Total additional local authority funding for this period is reported to have come to €1,534,744. The Council notes that these figures relate to specific contracted maintenance and management costs but exclude payroll, utilities and other miscellaneous costs.

According to the Council, in respect of annual capital expenditure on general housing from 2015 to 2018, total funding from the DHPLG amounted to €149,431,895, while total additional local authority funding came to €43,543,722.

C. Adequacy of funding

The Council's TAP 2019-2024 contains a review of the previous TAP 2014-2018. The projected need and the number of families accommodated under the TAP 2014-2018 are reported by the Council as follows: of the projected need for 35 group housing placements, 28 were provided; of 61 Traveller bays / chalets required, 42 were provided; and of 70 standard social housing placements required, 74 were provided (to Traveller families). The Council states that from this it can be seen that it:

"met 87% of the identified need for accommodation for Travellers in its functional area during the period 2014-2018 despite many challenges and the lack of full draw-down or spending".

D. Whether all funding allocated drawn down

The Council states that its Housing, Social and Community Development Directorate, through its TAU, is responsible for applying for and drawing down funding as well as the implementation of its current TAP.

The Council states that the data compiled for this Equality Review show that the Council has not drawn all the funding applied for and allocated by the DHPLG over the period 2016-2019. The review goes on to state:

- in 2015, the Council did not apply for or receive funding;
- in 2016, the Council received less than the allocation applied for from the DHPLG as some funding was offset against surplus funding drawn down in respect of a previous Traveller accommodation construction project;
- in 2017, the drawdown of the allocation from the DHPLG by the Council was delayed - this funding was subsequently drawn down in early 2018;
- in 2018, the Council drew down the allocations for both 2017 and 2018; and
- in 2019, the Council, as of December 2019, had not yet applied for funding - due to delays with the Part 8 planning process for special adaptation works for Traveller accommodation.

The Council states that the reason drawdown in 2016 was less than allocation for the Oldcastle Park, Kishogue Park and Stocking Hill project (3 x specially adapted chalets) was a legacy over drawdown of funding for a previous project (Turnpike) and that DHPLG offset this surplus against the sum allocated.

The Council states that in 2017, the allocation for the Oldcastle Park project (specially adapted chalet) was not drawn down as the chalet was not yet provided by year end due to supplier issues. It further states that none of the allocation for St. Aidan's project (site clearance) was drawn down that year, but it was drawn down in 2018.

In respect of 2018, the Council provides the following. No funds were again drawn down for the Oldcastle Park project (specially adapted chalet) as there were ongoing problems with the supplier of the chalet. There was an overspend of the sum allocated for St. Aidan's project (6 group houses) that year as this was drawing down the 2017 and 2018 allocations. Full funds were drawn down for the Stocking Hill project (CCTV). None of the allocated funds were drawn down for the Belgard Park project (day house extensions) as consultation with residents delayed the Part 8 planning process. None of the allocated sum for fire safety works on various sites were drawn down. The Council explained that installations of external fire alarms to day houses were nearly complete, but there had been delays in accessing sites. Funding was to be recouped from the DPHLG upon completion.

The Council summarises that the factors impacting on its ability to draw down funds in the year include:

"delays in progressing Part 8 public consultation processes, legacy drawdown issues offset against drawdown in a subsequent year, delays on projects arising from consultation processes, associated design changes, supplier issues and, in one case, difficulties with gaining access to the site".

The Council submits that:

"the practices and procedures for application, design, submission, allocation and then drawdown of funds from the DHPLG for Traveller accommodation are not

designed to take account of housing, planning and development timeframes and schedules”.

E. Any further issues of equality of opportunity

The Council's Equality Review highlights that it has a 'Customer Service Action Plan and Citizens Charter', which has specific sections on equality and diversity. In Section A, the Council outlines its commitment to comply with 'the rights of equal treatment established by equality legislation' and to 'identify and work towards eliminating barriers, to ensure sensitivity having regard to ...cultural diversity' and 'where possible and having regard to the legal obligations, that rules are not applied so rigidly as to create inequality'. It is highlighted that 'the Council lists inclusiveness, equality and accessibility as core values' in this Charter.

It is stated that the Council's Strategic Policy Committee (SPC) Scheme includes a newly configured Social, Community and Equality SPC to address equality objectives. In addition, it is stated that the Council's draft new Corporate Plan 2019-2024 contains:

"a public sector duty statement in relation to an assessment of the human rights and equality issues relevant to the functions and purpose of the Council".

The Council observes that ethnicity data are not collected in its social housing need assessment form or indeed that of other housing authorities. It states that, therefore, there are no definitive current or historical figures on the number of people from the Traveller community applying for or accessing standard local authority housing (whether assisted by either local authorities or approved housing bodies), private rented accommodation or private housing.

In the Council's letter of clarification of 5 June 2020, it is stated that the current legislation promotes: 'Positively [sic] Discrimination' for members of the Traveller community, 'who have more housing options available to them in comparison to service users who are settled/non-members of the Traveller Community' and notes that Travellers can be applicants on both the Traveller-specific and standard social housing lists simultaneously. The Council states that 'anecdotally, there are increasing numbers of Travellers applying and accessing standard housing options. However, as ethnicity data is currently not collected through the social housing need assessment process it is very difficult to provide accurate detail on the number of Travellers historically or currently being housed'.

The Council submits that 'accordingly, no inference can be drawn' in relation to the impact of its 'practices, procedures and other relevant factors on the promotion of equality of opportunity or discrimination in the provision of accommodation services by the Council to members of the Traveller community, as compared to settled persons/non-members of the Traveller community who in any event are precluded from applying for Traveller-specific accommodation'.

The Council recommends that the DHPLG consider moving to a multi-annual application, allocation and budgeting process for capital projects for Traveller accommodation, including Traveller-specific accommodation. The Council submits that this may provide a more effective means of securing a draw-down of capital funding for the Council from the DHPLG. The Council submits that this would support an alignment with the multi-annual local authority 5-year Development Plan and TAP cycles and would help to improve current practices and procedures. The Council states that 'it would provide a more cohesive reporting of the local authority's planning, application, drawdown and implementation activities to deliver Traveller accommodation services'.

The Council submits that 'an in-depth census could provide a more comprehensive and accurate assessment of current and future accommodation needs across the Traveller community to include families in private accommodation'. It states that 'this process may require dedicated funding and resources to provide a thorough assessment of accommodation needs'. It recommends that 'in order to improve the delivery of Traveller accommodation services to members of the Traveller community, the Council could be supported to conduct a detailed census of Traveller accommodation needs for its functional area'.

The Council recommends that the occasion of the consideration of its draft new Corporate Plan for the period 2019-2024 should 'be used to address any need for additional South Dublin County Council equality policies, for example an equal status policy'.

It states that it could also facilitate the inclusion of an equality statement in the TAP and in the Allocations Scheme.

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 commissioned an independent contractor to prepare the Equality Review. The process identified for the review involved an examination of relevant documentation and meetings with relevant Council officials. There is no reference to any participation by the LTACC or by local Travellers or by Traveller organisations, which would be expected in such a process.

Assessment of need and true preferences

Members of the Traveller community can apply for any form of accommodation, including Traveller-specific accommodation. There are two Traveller-specific housing lists in different geographic locations and applicants may be on both lists in addition to the standard social housing list.

Based on the information provided, the Council does not appear to have in place a robust system for capturing and recording the true accommodation preferences of members of the Traveller community. The Council stated that its current methods for assessing Traveller accommodation needs, in order to inform the drafting of its TAP, comprise issuing public notices and consulting with key stakeholders, including the LTACC. Information on such needs is also gleaned from data collected from the annual estimate of Traveller families and their accommodation position coordinated by the DHPLG and the current TAP additionally points to a survey of the Traveller families living in the county, conducted in November 2018, covering existing needs and future projected needs and offering a range of accommodation options. The former method seems to be confined to data from indirect sources, such as Traveller representative groups and the LTACC rather than stemming from the direct expression of preference of Travellers themselves. The latter method seems to be confined to a static snapshot of what the current accommodation position of Travellers is, without taking into consideration that a Traveller's current form of accommodation may not reflect their true preference. Overall,

the process identified in the Equality Review for the assessment of Traveller needs and preferences by the Council appears to be limited.

The Council did observe that while the consultative nature of the process for assessing Traveller accommodation need was a welcome one, particularly as it supported the participation of local Traveller organisations, there has not been an exhaustive or detailed census of Traveller accommodation needs for the area for some time. Again, a census is collection of data at a single point in time. Beyond this, what is required is a detailed survey carried out among all members of the Traveller population in the Council's functional area, by which these participants could express their true accommodation preferences.

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

The current TAP notes that 471 Traveller families responded to the survey. It is not clear how many survey questionnaires were issued, what supports were made available for Traveller families to complete the survey, or what, if any steps were taken to address any gaps in the response rate. There is, further, no reference to any system for tracking preferences over time or for independently verifying preferences.

The information on accommodation needs set out in the TAP 2019-2024 seems to comprise members of the Traveller community who do not currently have a stable form of accommodation (*i.e.* living in shared, temporary or unauthorised sites, living on the roadside, homeless or renting). There is no suggestion that the accommodation

preferences of those in one form of stable accommodation but desiring another form of stable accommodation are recorded or sought.

Targets in TAP 2019-2024

The target of 108 units established in the current TAP is based on housing needs, established in terms of: 53 Traveller households in shared accommodation; 15 Traveller households on temporary sites; 3 Traveller households on unauthorised sites; 1 Traveller household on the roadside; and 36 Traveller households in homelessness services or in private rented accommodation. The assessment of need does not appear to address those Traveller households whose current form of accommodation might not reflect their actual preferences.

The targets set in the TAP are not clearly set out. They are described in narrative form in terms of: 53 standard housing units; 55 casual vacancies occurring on Traveller sites; and 34 new group housing units. It is not clear how this relates to the target of 108 units, in particular given that it is identified that casual vacancies occur as Traveller households move from Traveller-specific accommodation to group housing or standard housing units. It is not made clear how these targets relate to established preferences.

Further, the target of 108 units set in the TAP does not include for the 41 additional units predicted in the TAP as required due to new family formation. The TAP merely states that the Council's priority is to focus on those in shared or emergency accommodation. This is of concern in that it has the potential to create the conditions for accommodation issues such as overcrowding and homelessness to continue into the future.

Private rented sector and homelessness

The survey conducted for the current TAP identifies that of the 471 Traveller families responding to the survey, 144 were in 'private rented/homeless/voluntary' accommodation. It is not clear why these data are grouped in this manner, as it would be important to have standalone figures for the number of families in homeless accommodation and those in private rented.

Further, the assessment of demand for accommodation identified in the TAP and the Equality Review, notes that 36 Traveller households in need of provision due to being in

'homeless services/private rented'. Again, the grouping of these two areas of accommodation does not allow for clarity regarding the level of homeless provision, which presents specific challenges. It is also unclear how this figure of 36 Traveller households is arrived at from the survey findings.

The Equality Review notes research findings that Travellers experience significant levels of discrimination in the private rented sector. Data on the reliance of Travellers on such provision are not provided with sufficient clarity in the Equality Review or in the TAP. The Equality Review also points to the absence of an ethnic identifier in relation to Travellers in this sector. No information is provided on supports available to Travellers in the private rented sector or steps to address the particular difficulties they face in this sector.

The TAP identifies that supports are available to Travellers from the Council's Homeless Unit, which includes provision of outreach and place-finding services. There is no information provided on Traveller presence within, experience of, or outcomes from engaging with these services or of how these services might address needs specific to Travellers on foot of their distinct culture and identity.

TAP 2014 – 2018

The Equality Review identifies that the Council:

"met 87% of the identified need for accommodation for Travellers in its functional area during the period 2014-2018 despite many challenges and the lack of full draw-down or spending".

This does not fully capture under performance related to Traveller-specific accommodation. Over the 2014-2018 period, the current TAP identifies that there was: a need for 35 group housing units with 28 provided (80%); a need for 61 bays/chalets with 42 provided (69%); and a need for 70 standard social housing units with 74 provided (106%). This under performance in relation to Traveller-specific accommodation is of concern in relation to an effective response to the Traveller households with such a preference.

The overall average was driven up by the fact that the target of 70 standard social housing placements for members of the Traveller community was exceeded, with 74 places in fact being provided. This is fine if these placements in fact reflect true accommodation

preferences, but if, for example, Travellers are choosing social housing options by reason of the poor accommodation standards in existing Traveller-specific accommodation or a perception that suitable Traveller-specific accommodation would not be available in the short-term, 87% may not be an accurate reflection of the Council's level of achievement.

Standard social housing

The additional information provided by the Council, by letter dated 05 June 2020, suggests that 'anecdotally, there are increasing numbers of Travellers applying for and accessing standard housing options'. There is no exploration of the extent of this or the rationale for this. The Equality Review identifies that Travellers access the allocations scheme for standard social housing which is time-based/choice-based for standard social housing. There is no information provided as to the particular barriers they might face in accessing this system.

The Council observes that as ethnicity data was currently not collected through the social housing need assessment process it was very difficult to provide accurate detail on the number of Travellers historically or currently being housed by the Council or other housing authorities. In such circumstances, it was not clear how the figure of 74 (social housing placements provided to members of the Traveller community) was collected.

The Council submitted that by reason of the lack of ethnicity data collected in social housing application forms, no inference could be drawn in relation to the impact of its practices, procedures and other relevant factors on the promotion of equality of opportunity or discrimination in the provision of accommodation services by the Council to members of the Traveller community, as compared to settled persons/non-members of the Traveller community.

Supports

It is noted that a number of specific supports exist to assist members of the Traveller community in accessing accommodation services. The Council has a dedicated TAU, employs Traveller social workers and facilitates ongoing individual contact with Travellers by housing officials relating to their accommodation needs.

The TAP also identifies that the Council implements a 'Caravan Loan Scheme up to a maximum loan value of €10,000' and that three caravan loans were advanced during the previous TAP 2014-2018. A submission from the National Traveller MABS, set out in the current TAP, indicates the need for an accessible application process, the need to increase the loan value given that its purchasing power was not adequate to securing good quality accommodation, and the need for a caravan rental scheme for Travellers who are not in a position to finance a residential standard mobile home. No steps are identified to address these issues.

The Equality Review identifies that the Council has provided funding for the design and delivery of training and capacity-building for Travellers who wish to participate in the establishment of residents associations. This is on foot of a proposal in the TAP 2019-2024 to establish a more formal structure for meetings between the TAU and residents associations and community groups on sites. The TAP identifies that the Mayor has provided the funding under a Traveller Participatory Budgeting Initiative in conjunction with the Tallaght and Clondalkin Traveller Development Group.

The Equality Review and the TAP identify that the TAU is piloting a monthly clinic for Travellers in relation to their accommodation needs. This is being organised with the Tallaght Travellers Community Development Project and takes place on the premises of the Traveller organisation.

The monthly clinic is noted alongside the role of Traveller Social Workers in providing support to access housing services. However, no detail is provided on the nature of the support provided, Travellers experience of this support, or specific outcomes for Travellers from their engagement with this support.

There is no provision noted to respond to the implications of Traveller culture and identity in the provision of standard social housing, in particular in relation to supported integrated intercultural communities.

LTACC

The Equality Review notes that the LTACC meets at a minimum on a quarterly basis and provides a liaison between Travellers and elected members and officials of the Council.

The Equality Review notes that:

“staff in the Council report very good working relations with the Local Traveller Accommodation Consultative Committee and local Traveller Development Groups”.

It is of concern that the views of Travellers and Traveller organisations were not explored in relation to this. There is no reference to particular supports available or provided to ensure an effective Traveller participation on the LTACC.

Delays and expenditure in relation to Traveller-specific accommodation projects

It is noted that achievement of the targets in the TAP were monitored in monthly annual Council meetings, in addition to the formal mid-programme review. At the monthly meetings, the Director of Housing, Social and Community Development reports to the Chief Executive and Senior Management Team, the LTACC, the Housing Strategic Policy Committee, the Corporate Policy Group and the elected members. Despite these measures, however, there seemed to be delays with a number of Traveller-specific accommodation projects between 2015 and 2018

The Council emphasises the time taken for Part 8 (planning) processes, including public consultation, associated impacts for commencement of site works and the lack of multi-annual budgeting and expenditure, as the main factor in these delays. It further points to the importance of moving to a multi-annual application, allocation and budgeting process for capital projects for Traveller accommodation.

There was an overall underspend in the category of capital expenditure for Traveller-specific accommodation from 2015 to 2018 and again in 2019, as of mid-December of that year. In respect of a number of projects, some detail is provided regarding the reason for the delay, such as: supplier issues (Oldcastle Park project - specially adapted chalet); delay with the site clearance for St. Aidan's project; and delays in accessing some sites for the

installation of external fire alarms to day houses. No reasons are provided as to why there were delays with the site clearance for St. Aidan's project or why there were delays in accessing some sites to install fire alarms. While the Council states that despite delays, the allocated funding was in fact drawn down in later years, the timely provision of Traveller-specific accommodation reaching appropriate standards of safety is important.

Another reason for delays given by the Council was that in respect of the Belgard Park project (day house extensions): the delay here was stated to have been because 'consultation with residents delayed the Part 8 planning process'. Consultation is important for meeting the accommodation needs of Travellers, yet this should take place at earlier stages of the drafting of the TAP and the initial design stages of a project. The Council needs the buy-in of Travellers for these projects to be successful. If consultations are causing delays in the planning process, this suggests that issues have arisen for these residents. The Council does not give any information on what issues arose to cause these delays and what steps it took to address the concerns of the residents.

It is of concern that the Equality Review suggests, in relation to the impact of these delays and to the failure to draw down funds allocated for provision by the Council, that:

"no inference can be drawn in relation to the impact on the promotion of equality of opportunity or discrimination in the provision of accommodation services by the Council for members of the Traveller community".

At the same time, the Equality Review identifies that the failure to draw down allocated funds:

"has contributed to families sharing existing sites – analysis for the TAP 2019-2024 identified families sharing in 29 halting site bays and 19 group houses".

When capital funds drawn down for Traveller-specific accommodation from 2015 to 2018 are compared to those for general housing, the ratio is 1,331,054 : 149,431,895 or 1 : 112. While the Council states that according to the 2016 census, its functional area had the highest Traveller population in the Dublin region and the second highest in the State after Galway City and County, no further information was provided concerning the respective

populations of Travellers and members of the settled community in the Council's functional area and so no meaningful comparison can be drawn from this ratio.

Transient sites

The Equality Review makes no reference to the need for and provision of transient sites.

The TAP identifies that consideration of such provision will only follow:

“full provision of the Traveller-specific accommodation requirements of Travellers indigenous to South Dublin County”.

It states that discussions with the other Dublin Councils will continue as to the need for and, if necessary, possible location of such provision. It is of concern that no steps are identified to assess and respond to this element of Traveller culture and identity.

The TAP sets out the Council policy as being:

“to provide Traveller-specific accommodation for the County's indigenous Travelling Community”.

This is defined as ‘those families who have been permanently resident in the county for three years prior’ to adoption of the TAP. It further notes that the Council ‘will continue to assist Travellers with their housing applications for those who wish to avail of standard social housing, Voluntary Housing, Housing Assistance Payment (HAP) and the Rental Accommodation Scheme (RAS)’.

The inclusion of this conditionality is a concern, having regard to the provisions in relation to local connection requirements for the general population under the 2011 Assessment Regulations.

Moreover, a requirement of being ‘indigenous’ to the authority's functional area should be applied in light of the findings of the High Court in *McDonagh v. Clare County Council* [2002] 2 I.R. 634 in which it was held that:

“a residence or indigenous policy ... must not be applied so rigidly that it becomes an effective bar to any consideration by the housing authority of an application for housing by a member of the Traveller community”.

The Public Sector Equality and Human Rights Duty

It is noted that the Council includes equality statements and objectives in its Development Plan 2016-2022, in its Customer Service Action Plan and Citizens Charter, in its Strategic Policy Committee Scheme and in its draft new *Corporate Plan 2019-2024*.

The Equality Review identifies that:

“the Council’s draft new *Corporate Plan 2019-2024* contains a public sector duty statement in relation to an assessment of the human rights and equality issues relevant to the functions and purpose of the Council”.

However, while an equality and human rights framework is valuably included in an appendix to the plan, this does not fully meet the requirements of the Public Sector Equality and Human Rights Duty in its approach to assessing equality and human rights issues and the steps proposed to address such issues. Further, the current TAP makes no reference to the Public Sector Equality and Human Rights Duty and includes no assessment of the equality and human rights issues relevant to this function of SDCC.

Section 3 Recommendations

The Commission recommends that the Council should undertake the following actions to strengthen the level of equality of opportunity and non-discrimination in its systems for the provision of Traveller-specific accommodation services.

1. Address recommendations in the Council's Equality Review to:

- conduct a detailed census of Traveller accommodation needs for their functional area; and
- address any need for additional Council equality policies, for example an equal status policy and facilitate the inclusion of an equality statement in the TAP and in the Allocations Scheme.

2. Address policy and procedure for:

- presenting data in the TAPs and progress reports, in particular: providing a breakdown, by accommodation type, for current accommodation status of Travellers in the administrative area and providing information on accommodation needs and preferences and how these are being addressed;
- recognising and establishing the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers;
- strengthening the needs assessment process, and tracking over time and independently verifying the preferences of the Traveller community in relation to type of accommodation;
- responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;

- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
 - developing culturally specific responses to the needs of Travellers experiencing homelessness;
 - establishing and developing a response to the needs of Travellers who are nomadic within and through the county through the provision of transient halting site bays as required;
 - strengthening the relevance and accessibility of the Caravan Loans Scheme;
 - reviewing the provisions in relation to 'indigenous Travellers' and the local connection requirements to access housing supports, to ensure that there is no discrimination when compared to the requirements on the wider community; and
 - implementing the public sector equality and human rights duty in the forthcoming review of the Traveller Accommodation Programme.
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. While the Council was running a pilot with monthly clinics held in the offices of the Traveller Development Group, 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 they 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 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 why consultation with residents of Belgard Park delayed the Part 8 planning process in respect of the day house extensions project on that site and possible steps that could be taken to ensure that such delays do not occur in future. Any such steps taken by the Council should be published.
7. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation. This would help to inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
8. The Council should 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.

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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