

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



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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 Waterford City and County Council (the 'Council') to undertake an equality review in the following terms:

1. That the Council would conduct an audit of the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation, having regard to the drawdown by the Council of capital funding provided by the Department of Housing, Planning and Local Government for the provision of Traveller-specific accommodation having regard to the Council's obligations under the ESA; and
2. That the Council would conduct a review of its practices, procedures, and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services to Travellers to determine whether those practices, procedures and other relevant factors are conducive to the promotion of equality of opportunity for these service users having regard to the Council's obligations under the ESA.

In conducting any equality review, the Commission requested that the Council would address and report on a number of specific issues. (See [Appendix 1](#))

The Council submitted its initial Equality Review response to the Commission on 03 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 12 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 its TAP 2019-2024, the Council sets out its methodology for the assessment of Traveller accommodation need. This assessment was carried out in late 2018 and early 2019. The Council states that the purpose of the assessment was to establish the need for the following accommodation types in the period 2019-2024: Traveller-specific group housing; halting site accommodation; standard local authority housing; HAP; and AHBs.

The Council states that it carried out this assessment by compiling information from the following sources:

- Annual estimate of Traveller families carried out November 2018;
- Data compiled from the social housing assessment carried out in June 2018;
- Consultation with the members of the LTACC;
- Consultation with Waterford Traveller CDP;
- Ongoing consultation with individual families;
- Reviewing all Traveller families who have applied for social housing supports with the Council;
- Review of all existing Traveller tenants to look at their current accommodation and identify any outstanding needs;
- Identifying all children born in the period 2001-2007 to project a likely need for accommodation in the lifetime of the TAP; and
- Submissions were requested from organisations who work with Travellers in Waterford City and County, from social housing providers, and from neighbouring local authorities.

The Council notes that of 29 organisations requested to make a submission, two submissions were received in relation to the preparation of the TAP. These came from the Irish Traveller Movement and Waterford Traveller CDP.

At Appendix 2 to the TAP 2019-2024, the Council lists the main issues raised in these submissions and the responses to those are listed.

The Council states that notable issues raised are that: 'the assessment of need should involve local Traveller organisations', to which the Council responded that this was an 'ongoing process'. Another issue suggested 'the development of a horse project', to which the Council responded that:

"while recognising the importance of horses to Traveller culture the TAP is an accommodation programme".

The Council states that eligibility for inclusion on the Council's social housing supports list is determined by a housing needs assessment which is carried out annually in accordance with the 2011 Assessment Regulations. The Council explains that this is a national policy/regulation which ensures that all local authorities carry out housing needs assessments using consistent criteria on an annual basis.

The Council states that social housing applications are submitted using the standard application form and appointments for housing needs assessment interviews are booked using the Council's booking system. According to the Council, the Council's HWO and Traveller Liaison Officer are available to assist Traveller applicants with this process. The Council asserts that the housing needs assessment's interview identifies for the applicant the most appropriate accommodation type to meet their individual needs.

The Council explains that accommodation options for Travellers include the full range of housing supports as follows: standard local authority housing; housing provided by AHBs; supported accommodation; private rented accommodation with support under the rental accommodation scheme; social leasing scheme; and the repair and lease scheme. In addition to the above supports, the Council notes that Traveller families

may express their interest in group housing accommodation and/or halting site accommodation.

The Council states that its housing allocation scheme, which determines the order of priority in the allocation of properties or sites, applies to the full range of housing supports available. The Council asserts that Traveller households are specifically identified and expressed as a priority category.

According to the Council, it has a CBL system for social housing support allocations. It posts on the website a list of vacant houses available for allocation. The Council provides that all approved applicants including Travellers can express an interest in any property and the allocation is made, in accordance with the scheme, only from the list of applicants who have expressed an interest in the properties advertised. The Council states that the Council's HWO and Traveller Liaison Officer are available to assist Traveller applicants with this process.

The Council states that all tenancies provided by the Council are subject to the conditions of the Council's tenancy agreement and anti-social behaviour policy, including those provided to Travellers. The Council states that like all new tenants, families who are allocated tenancies in standard local authority housing and Traveller-specific accommodation are required to attend pre-tenancy meetings and are encouraged to become involved in residents' groups. According to the Council, referrals to the tenancy sustainment service are also made to assist families and individuals to access and maintain accommodation.

The Council states that it has a responsibility for the management and maintenance of all the accommodation it provides including Traveller-specific accommodation and recognises that the most effective method to achieve this is in partnership with the tenants. The Council states that:

“unless tenants accept responsibility for and a sense of ownership of their accommodation it becomes very difficult to maintain.”

The Council states that it:

“will work to develop estate management groups to address any management and maintenance issues that may arise.”

The Council notes that it provides a management, security and caretaker service to Traveller-specific accommodation including a 24/7 on call service.

The Council states that it also actively operates a caravan loan scheme to assist Traveller families living on approved sites and who have a need for a new or replacement mobile home to purchase same. According to the Council, priority is based on the condition of the existing mobile home and or overcrowding.

The Council explains that the LTACC in Waterford is comprised of nine members: three elected Council members; three members representing the Traveller community; and three officials from the Housing Department of the Council. The Council states that the LTACC normally meets quarterly with the singular purpose and agenda of Traveller accommodation issues. The function of the committee is to advise in relation to the preparation and implementation of the TAP, to advise on the management of accommodation for Travellers and to provide a liaison between Travellers and members and officials of the local authority. The Council recognises that:

“while the provision of advice in relation to the preparation and implementation of an accommodation programme is a function of the LTACC the implementation of the programme is the statutory responsibility of the housing authority.”

The standing orders of the committee establishes a quorum for the meetings and states that if no Traveller representatives are present a quorum is not reached. The aim is that the committee meets quarterly, but this can be more frequently if necessary. The Council states that one of the challenges faced by the LTACC is to achieve the attendance of the Traveller representatives.¹

¹In July 2021, after receiving a draft copy of the Commission’s account of the Council’s Equality Review, the Council has advised that:

“[a]lthough this was stated by the Council in its review, this challenge was not quite articulated correctly. At the time, LTACC was not meeting as frequently as it should have; currently LTACC meetings are happening (e.g. quarterly meetings scheduled for 2021) and there is very good attendance by Traveller representatives”.

The Council notes that a TIG is established in Waterford and is facilitated by the community section of the Council. Membership is made up of representatives from the Council, Barnardos, Dungarvan Traveller Community Health Project, Waterford Traveller CDP, Focus Ireland, HSE, St. Brigid's FRC, Coiste Cúram Leanai Phort Láirge, Tusla, the Garda Síochána, WAP and Waterford and Wexford Education and Training Board. The Council states that this group was established to ensure that the relevant statutory agencies and State supported initiatives involved in providing the full range of services to Travellers would focus on improving the integrated practical delivery of such services. The Council states that the group aims to facilitate better communications in working with relevant agencies/organisations and Waterford's Traveller community to develop and progress actions with positive outcomes in a number of areas, including health and well-being, equality, cultural identity and accommodation. The Council states that 'the work of the Waterford TIG is driven by the values and principles and the positive duty' provided by the 2014 Act. The Council states that funding has been secured to undertake a comprehensive needs analysis of the Traveller community and that this is being progressed as a priority as it will inform service planning of a number of agencies going forward.

The Council states that it liaises on an ongoing basis with the Waterford Traveller CDP on behalf of individuals with accommodation issues via the HWO and Traveller Liaison Officer. It states that there are also regular meetings with the CDP staff and senior Housing Staff (Director and SEO) on a wide range of issues relating to accommodation. According to the Council, it is supporting the CDP's application to get funding to employ a development worker for the west of Waterford.

The Council states that it employs a HWO working in the area of Traveller accommodation and welfare who works directly with the allocations team and assessments team. The Council also notes that it employs, in the Housing Department, a Traveller Liaison Officer, who works as a direct link with Travellers and the Council. The Council states that the HWO and Traveller Liaison Officer are in regular contact with other professionals in relation to issues that impact on individual Traveller families in relation to health, social welfare, education etc. The HWO is also a member of the

Board of Management of the Waterford Traveller Youth Support Project, which provides educational and social support for young Travellers aged from 10 years.

The Council states that it operates an integrated dedicated Homeless Services Unit to assess the need for emergency accommodation and an exit strategy for individuals and families who present to the unit. The Council advises that all persons who are assigned emergency accommodation are provided with supports to help them access secure permanent accommodation. According to the Council, these supports are provided either directly by the Council's social care workers or indirectly by support staff in emergency services, Focus Ireland tenancy support service and South East Simon Housing First service. Focus Ireland provides a comprehensive advice and information service as part of the Council's integrated homeless service. The Council explains that these supports include an assigned social care worker to assist them with property searches, and access to the HAP place finder service which aims to fast track individuals and families in emergency accommodation into secure private rented accommodation.

B. Comparison of funding to comparator group

The Council states that in respect of capital expenditure for Traveller-specific accommodation from 2015 to 2018, total expenditure over this period amounted to €473,336.

The Council notes that over this same period, total expenditure on general housing came to €61,707,723.

According to the Council, revenue expenditure on Traveller-specific accommodation over this period amounted to a total of €1,613,229. Total revenue expenditure on the management and maintenance of general housing stock over this period was €12,462,506.

The Council states that, in November 2018, there were 224 Traveller families resident in Waterford City and County. No information was available in respect of the general population of the Council's functional area.

C. Adequacy of funding

In respect of the targets set in the TAP 2014-2018, the Council states that the below achievements were made.

Regarding group housing targets, the Council states that three casual vacancies in group housing schemes were allocated during the lifetime of this TAP. This included an individual four-bed newly built house in the Green Road, which was initially completed in 2008 but had never been occupied. The Council explains that this was due to ongoing vandalism that resulted in the property being extensively fire damaged, refurbished and extensively fire damaged on a second occasion. Following extensive consultation, this property was redeveloped for a specific family need and was eventually successfully tenanted in 2018.

The Council notes that Stage 1 approval has been received from the DHPLG for the provision of a five-house group scheme in the city. The TAP 2014-2018 proposed a three-unit group scheme in the city but, following ongoing consultation with Traveller families, a need for five units was identified. This proposal is included in the TAP 2019-2024.

In respect of halting site accommodation, the Council states that it was proposed to identify a site and develop plans for a six-bay halting site within the lifetime of the plan. According to the Council, stage 1 approval has been received from the DHPLG. This was to proceed to the Part 8 planning Stage 2 process in Q 4 2019. The Council states that this scheme will address overcrowding at the adjacent group housing location.

The Council advises that, following from the review of the TAP carried out in 2016, a preliminary application for funding to redevelop a site at Kilbarry Site was made to the DHPLG. The Council states that, at the time of reporting, it was working on plans to redevelop the Traveller accommodation in Kilbarry to include additional units to address additional accommodation needs of the extended families residing there.

In addition, the Council states that it approved caravan loans for Travellers resident on approved sites where there was a need for better quality caravans to replace and upgrade existing units that were of poor standard. The Council also provides that

allocations to Council tenancies and referrals to AHBs are made in accordance with the Council's allocation scheme. The Council reports that 31 tenancies were allocated to Traveller families in the TAP period 2014-2018.

D. Whether all funding allocated drawn down

The Council states that funding is approved in principle by DHPLG for specific projects only. According to the Council, a general annual allocation is not provided from which the Council can then decide which schemes to progress. This applies to all capital schemes including Traveller accommodation schemes. The Council states that such funding is only claimable for specific approved projects as they progress. There is a standard 4-stage approval process in place for all housing and accommodation schemes agreed and approved by the DHPLG. Following full approval and commencement of works and following certification of works and payment to contractor, the Council states that a claim for payment is sent to and processed by the Department. The Council also states that 'the challenges faced in relation to delivery of Traveller accommodation range from public Planning reluctance, trespass and extreme vandalism and arson on existing sites'.

The Council acknowledges that there are impediments to developing Traveller accommodation in the areas of public planning and otherwise, and resources need to be provided to do an in-depth examination in order to address those impediments in a sustainable manner.

The Council states that the failure to draw down funding could be viewed as a symptom of a wider issue that leads to the lack of provision for sites for caravans, rather than the main cause. At any stage of the funding application process the Council notes that it may encounter difficulties which can delay or cause a failure to deliver a proposed scheme.

The Council provides examples of this as follow.

In the TAP 2014-2018 it was proposed to develop a six-bay halting site in Waterford City. The site was identified, and Stage 1 approval was received from the DHPLG. However, delays at planning stage and issues arising with the planning process meant

that the project had stalled until these issues could be resolved. The process to draw down funding also stalled.

In 2018, according to the Council, it completed work on a group house that had not been tenanted due to ongoing vandalism. The property was adapted to meet the specific needs of the proposed tenants. The works took a considerable amount of time to complete, not because of a lack of funding but rather because of prolonged discussions between the Council's technical team and the DHPLG's technical team regarding the specifics of the contract and design of the property. The Council states that it was not until these issues were resolved that the project could progress.

The Council states that, in both cases, funds were allocated to the projects. The Council also states that, while it appears that the Council is not availing of this funding, the reality is more complex than that, and until other issues are resolved the Council cannot progress along the stages of funding approval. These factors, such as political opposition, public opposition, site locations and design issues, cause delay in progressing the projects targeting the identified needs in the TAP 2019-2024.

E. Any further issues of equality of opportunity

The Council states that a number of issues that it needs to address were identified by reviewing the TAP 2014-2018 and analysing the assessment of need carried out for the TAP 2019-2024. According to Council these issues include:

- To provide sufficient accommodation to meet the needs of Traveller families as identified in the assessment of need carried out for this programme on the basis of greatest need similar to housing need generally in line with the allocation scheme and anti-social behaviour policy;
- Implement the ongoing maintenance and management of existing Traveller-specific accommodation;
- Examine how the present levels of cost of maintaining existing accommodation can be reduced while continuing to maintain standards and sustainability;

- Progress the site identification, secure funding and begin construction of group housing schemes;
- To engage with AHB providers who have expressed an interest in developing Traveller-specific accommodation proposals in line with available funding streams;
- To develop and implement estate management groups to effectively manage Traveller-specific accommodation;
- To carry out ongoing consultation with both Travellers and the local community around the development of Traveller-specific accommodation; and
- Ensure that the LTACC meets on a regular basis, is relevant and that there is full participation from all members. The NTACC guidelines and recommendations in relation to the operation of the committee will be implemented.

The Council states that the proposed strategy to meet the identified need in the TAP 2019-2024 will be bound by SMART principles. It will be Specific, Measurable, Achievable, Relevant and Time Bound. The strategy will include yearly targets.

The Council notes that it is intended that the TAP will be subject to review on an annual basis and to a formal midterm review in 2022 and that the Council will commit to modify the objectives if changing circumstances so warrant.

The Council states that:

“the development and delivery of Traveller specific accommodation i.e. Group Housing or Halting Site accommodation will involve ongoing consultation with Traveller families and the wider community and Elected Council Members to ensure the proposed development meets the needs of the families that will be resident there and also that any issues arising may be addressed at an early stage and in the context of developing sustainable communities.”

The Council states that:

“[t]he persistent references in communications about Exchequer capital funding for Traveller accommodation regarding allocations being provided to local authorities, which subsequently results in criticism of individual local authorities for not spending their allocations is both unfair and unhelpful.”

The Council notes that:

“as with all housing Capital Schemes funding approval for Traveller Specific accommodation is a four stage process. It is only following full approval and certification of completed works and payment to a contractor that a claim for funding is sent to and processed by the [DHPLG] for recoupment to the local authority. Funding is approved in principle by the [DHPLG] for specific projects only, there isn't really a general annual allocation of funding from which the local authority can then decide which schemes to progress.”

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

Preparation of the Equality Review

There is no indication of the process pursued by the Council in preparing the Equality Review, in particular there is no mention of any participation by the LTACC or by local Travellers or Traveller organisations, which would be expected in such a process.

It should be noted that the period under review coincided with change in the local government system that involved formation of a new local authority, Waterford City and County Council. Initially both City Council and County Council had prepared a TAP and this process was brought together and combined in mid-term, which leads to some lack of clarity in the data provided.

True Preferences

The Council does not appear to have a robust system in place to capture and record true accommodation preferences of members of the Traveller community.

In its TAP 2019-2024 (see below), the Council sets out its methodology for the assessment of Traveller accommodation needs. It appears from the methodology that information is obtained from a variety of sources, including census data, consultation with Traveller representative bodies, data from social housing application forms and ongoing consultation with individual Traveller families. These are all important sources of information, most notably the last - direct contact with Travellers themselves. However, no information is provided on how many Traveller families voiced their preferences, how it was ensured that all Traveller families were consulted, whether these families were permitted to give multiple preferences and whether these families were informed of all accommodation options available to them.

There is no reference to any tracking over time or to any independent verification of preferences for accommodation type. The Equality Review identifies that the Waterford TIG has secured funding to undertake a needs analysis of the Traveller

community to inform service planning for a number of agencies. This could serve to review and verify accommodation preferences but no information in that regard is provided.

The difficulties with an approach confined to snap-shot data in a census 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.

Furthermore, while the Council states that it consulted with Traveller representative bodies, it is notable that only two such bodies in fact made submissions on the draft TAP. The reasons for this poor response rate are unclear. It is also notable that one of the issues raised was that the assessment of need should involve local Traveller organisations. The Council's response to this issue, simply that this was an 'ongoing process', is not clear and does not provide information on what steps are being taken to involve more closely local Traveller organisations in the assessment of Traveller accommodation need process. The Council states that its housing allocation scheme applies to the full range of housing supports available and that Traveller households are specifically identified and expressed as a priority category to be considered for housing support on the basis of need. This prioritisation relates to both standard and Traveller-specific housing.

Current TAP

The TAP 2019-2024 identifies a range of steps in the assessment of need, including: the 2018 annual estimate of Traveller families; data from the 2018 Social Housing Assessment; consultation with the Waterford Traveller CDP and individual families; reviewing all Traveller applicants for social housing supports and the current

accommodation and needs of all Traveller families who are tenants; identification of future family formations; and request for submissions.

The Equality Review identifies current and projected accommodation targets for the period 2019-2024, as follows: 55 standard housing unit; 5 private-rented units; 25 halting site bays; 3 transitional housing; and 13 group housing units (101 units in total). The current TAP, however, has a different breakdown for this 101 units target, namely: 51 standard housing unit; 5 private-rented units; 26 halting site bays; 3 transitional housing; and 16 group housing units. This discrepancy is not explained.

Supports available

There seems to be a number of supports available to Travellers to ensure they have equal access to accommodation services. These include a HWO, a Traveller Liaison Officer, pre-tenancy assistance and a management, security and caretaker service to specifically and exclusively manage all Traveller-specific accommodation including a 24/7 on call service. There is no information provided on the equality and non-discrimination standards expected of this service provider or achieved by it. There is also an integrated dedicated homeless service including supports such as a Social Care Worker and access to the HAP place finder service. Members of the Traveller community also have the supports of the LTACC, the TIG, the Waterford Traveller CDP and a caravan loan scheme.

All applications are submitted through a standard application form and booking system for housing needs assessment interviews. The CBL System for Social Housing supports allocations was introduced in late 2016. The TAP notes issues of access to computers and literacy issues that can impede Traveller access. The Equality Review notes that the Council's HWO and Traveller Liaison Officer 'are available to assist Traveller applicants with this process'. There is no identification of the level of uptake of this assistance, the Traveller experience of this assistance, or outcomes from this assistance.

The TAP notes that housing applicants are offered supports to access private rented accommodation under the HAP scheme while they wait for a social housing allocation. The TAP does reference, in its summary of submissions received, that that recognition is needed for 'the difficulties faced by Travellers accessing private rented

accommodation', alongside the response that 'this is recognised and the support services available' are outlined in the TAP. However, no specific reference is made to well-documented difficulties of discrimination that Travellers experience in this sector or of steps to address this. Further, it is a concern that the TAP does not provide a breakdown of the targeted 51 units of standard housing, to specify how many of these will involve HAP/RAS provision versus local authority and/or AHB tenancies.

The Equality Review notes that Travellers have access to a general Homeless Services Unit to 'assess the need for emergency accommodation and an exit strategy' for those who present. The TAP identifies that in late 2018 there were eight 'Traveller families and individuals' in emergency accommodation in Waterford City. It notes that the number of Traveller families seeking emergency accommodation has increased over recent years and that one of the main issues of concern is their 'lack of move on options from emergency accommodation'. Beyond the general supports available, no specific steps are identified to identify and respond to the particular experience of Travellers of homelessness.

There is a commitment in the Equality Review and the TAP that the Council:

"will work to develop estate management groups to address any management and maintenance issues".

This brief for tenant participation appears somewhat narrow and no steps are identified to support and structure such tenant participation in estate management in Traveller-specific accommodation.

In respect of the LTACC, the standing orders of the committee establishes a quorum for the meetings and states that if no Traveller representatives are present a quorum is not reached. One of the challenges faced by the LTACC was to ensure the attendance of the Traveller representatives. No reasons were given as to why such representatives would not attend, what steps have been taken to resolve any issues, and what supports are in place to enable an effective participation by Traveller representatives.²

² In July 2021, after receiving a draft copy of the Commission's account of the Council's Equality Review, the Council has advised that:

Funding and drawdown of funding

Total capital expenditure for Traveller-specific accommodation from 2015 to 2018 amounted to €473,336. Over this same period, total expenditure on general housing came to €61,707,723. Revenue expenditure on Traveller-specific accommodation over this period amounted to a total of €1,613,229. Total revenue expenditure on the management and maintenance of general housing stock over this period was €12,462,506. Despite additional requests, no report or information is provided on the DHPLG allocations to the Council for capital expenditure on Traveller-specific accommodation. As such, limited information is provided on delays in drawdown.

The Council states that in November 2018 there were 224 Traveller families resident in Waterford City and County. Comparing total capital funding for Traveller-specific accommodation and general housing, the ratio is 473,336 : 61,707,723 or 1 : 130. As no information was available in respect of the general population of the Council's functional area, no meaningful comparison can be drawn from this ratio.

The Council submits that the persistent references in communications about exchequer capital funding for Traveller accommodation regarding allocations being provided to local authorities, which subsequently results in criticism of individual local authorities for not spending their allocations, is both unfair and unhelpful. It explains funding approval for Traveller-specific accommodation is a four-stage process. It is only following full approval and certification of completed works and payment to a contractor that a claim for funding is sent to and processed by the DHPLG for recoupment to the local authority. Essentially, while there may be delays in drawing down allocated funds, it is not the case that these funds are not drawn down at all. In such a context, it is suggested by the Council that, while it appears the Council might not be availing of funding allocated, the reality is more complex.

"[a]lthough this was stated by the Council in its review, this challenge was not quite articulated correctly. At the time, LTACC was not meeting as frequently as it should have; currently LTACC meetings are happening (e.g. quarterly meetings scheduled for 2021) and there is very good attendance by Traveller representatives".

Issues with the delivery of Traveller accommodation

The Council states that the challenges faced in relation to delivery of Traveller accommodation ranged from public planning reluctance, public opposition, site location and design issues and trespass to alleged vandalism and arson on existing sites, as well as political opposition, and cites all of these as causing delay in progressing the projects. The Council acknowledges that there were impediments to developing Traveller accommodation in the areas of public planning and otherwise and feels that resources need to be provided to facilitate an in-depth examination in order to address those impediments in a sustainable manner.

Information provided in the Equality Review and gleaned from the TAP 2019-2024 suggests that there have been some delays in the provision of Traveller-specific accommodation over the period 2015-2018. Planning delays have resulted in projects being stalled and, subsequently, their funding being stalled. In a particular instance for example, relating to the construction of the single house, issues of vandalism on the property are identified as at issue, alongside the complexity of the adaption required to ensure the property could meet the specific needs of the proposed tenants.

The Council gives the example of a 10-year delay in respect of the completion of one house – while the house was completed in 2008, it was only successfully tenanted in 2018. This is a significant delay. The Council explains that this delay was due to ongoing vandalism that resulted in the property being extensively fire damaged, refurbished and extensively fire damaged on a second occasion. The Council later states that the works took a considerable amount of time to complete because of prolonged discussions between the Council's technical team and the DHPLG's technical team regarding the specifics of the contract and design of the property. The vandalism and fire damage seem to be the result of prolonged vacancy over the course of 10 years rather than the cause of the delay. Insufficient information was provided by the Council to understand why discussions over the design of the property gave rise to such a prolonged period of delay.

Another example of a delayed project given by the Council is the three-unit group scheme set out as a target in the TAP 2014-2018. The Council states that from ongoing

consultation with the families involved, this project was altered to a five-unit group scheme and included in the 2019-2024 TAP. Insufficient information was provided by the Council to understand why its 2014 target of three units was not achieved in the five year term of the TAP 2014-2018.

The Equality Review points to delays that were also encountered by the Council in respect of its target set out in the 2014-2018 TAP for the construction of a house on a five-house group housing scheme, and a six-bay halting site within the lifetime of that plan.

While Stage 1 approval had been received from the DHPLG, it was only envisaged that the Stage 2 Part 8 planning process would progress in the final quarter of 2019, notwithstanding the Council's concern with overcrowding at the adjacent group housing location. The fact that the project only passed Stage 1 of the approval process throughout the five-year period of the TAP 2014-2018 is undue delay beyond any foreseeable delays associated with the design and approval of a project prior to the planning approval stage. The Council further states that delays at the planning stage for this project and issues arising with the planning process has meant that this project has now stalled until these issues can be resolved. Consequentially, the process to draw down funding has also stalled. No more information is provided by the Council on the reasons why this planning stage has in turn been delayed. Later, the Council refers to a number of causes of delay in the drawdown of funds process:

“these factors such as political opposition, public opposition, site locations and design issues cause delay in progressing the projects targeting the identified needs in the TAP 2019-2024”.

If public/political opposition to the proposed location of this site is the cause of the ongoing delay at the planning stage of this project, this calls into question initial consultation processes with local residents and all stakeholders.

Targets

In terms of the achievement of previous TAP targets, data in the TAP suggest that in 2016 the need was identified for 5 group housing units and 14 halting site bays, whereas

only 4 group housing units and 2 halting site bays were provided over the period 2014 to 2016 and all 6 appear to have been on the basis of casual vacancies occurring in existing accommodation.

The Council updated the targets in its TAP 2014-2018 following the mid-term review in order to include an additional target of a project to redevelop the halting site at Kilbarry site to provide additional units to address additional accommodation needs of the extended families residing there. The Council has submitted a preliminary application for funding for this project to the DHPLG.

Traveller culture

The TAP notes that the Council recognises:

“the culture of nomadism amongst certain sections of the Traveller community”.

However, it follows on to suggest that the need for a network of transient sites and their location is a national matter and that the:

“majority of Traveller families on the roadside in Waterford are those awaiting permanent accommodation and they are a priority of this programme”.

This latter statement appears to undermine the positive recognition of nomadism as part of Traveller culture given the lack of steps taken on foot of such recognition.

One issue that was raised suggested ‘the development of a horse project’, to which the Council responded that:

“while recognising the importance of horses to Traveller culture the TAP is an accommodation programme”.

The TAP does however include recognition for Traveller culture and identity in relation to horse ownership and the carrying out of ‘traditional economic activities’. It suggests a willingness to:

“support proposals for the development of an appropriate horse project”

and a commitment to:

“consult on an individual basis with families who are involved in traditional economic activities to see if their particular needs may be accommodated subject to compliance with relevant legislation”.

The keeping of horses is a traditional aspect of Traveller culture. The reality is that where horses are kept, this needs to be factored in in assessing the accommodation needs of Travellers. Local authorities have funding sources from the DHPLG to fund Traveller-specific accommodation and they should avail of this to make all efforts to meet the specific accommodation needs of Travellers, including the keeping of horses. However, neither the TAP nor the Equality Review reference any practical steps or progress made on either of these two dimensions.

No steps are set out in the TAP or the Equality Review, to identify and respond to specific needs that arise from Traveller culture and identity in the provision of social housing, and in particular to address the need for sustaining integrated intercultural communities on estates where they might be allocated such housing.

Public Sector Equality and Human Rights Duty

The Equality Review helps inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. However, there is no evidence of an assessment of equality and human rights issues relevant to this function by the Council.

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 policy and procedure for:
 - presenting data and information in the TAPs and progress reports, in particular: providing detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area; and providing data on the number of targets and outputs that relate to HAP/RAS provision, and that relate to Council and AHB tenancies;
 - responding to the practical implications of Traveller ethnicity, ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services and supports to Travellers;
 - 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 Traveller who are nomadic within and through the county through the provision of transient halting site bays;

- establishing appropriate structures, processes, and supports for Traveller tenant participation in estate management on Traveller-specific accommodation;
 - establishing and applying equality and non-discrimination standards for any private contractors involved in the provision of services that relate to the management of Traveller-specific accommodation;
 - identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for representatives and how this can be implemented in line with recommendation 4 below; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. 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).
 3. 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).
 4. Engage the services of an appropriate independent body, to draft a report on the reasons why the LTACC faces difficulties in ensuring the attendance of the

Traveller representatives and possible steps that could be taken to address any issues arising. Any such steps taken by the Council should be published.³

5. Engage the services of an appropriate independent body, to draft a report on the reasons for the delay of ten years between the completion of the house on Green Road in 2008 and the date on which it was successfully tenanted in 2018 and possible steps that could be taken to ensure that such delays do not occur with future Traveller-specific accommodation projects. Any such steps taken by the Council should be published.
6. Engage the services of an appropriate independent body, to draft a report on the reasons why the three unit group housing scheme set out as a target in the TAP 2014-2018 was not achieved over the 5-year course of that TAP and why in respect of the target of a six-bay halting site also set out in the same TAP, this project only progressed to Stage 1 approval from the DHPLG over the same 5-year period. This report should set out possible steps that could be taken to ensure that such delays do not occur with future Traveller-specific accommodation projects. 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 to help inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
8. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should

³ In July 2021, the Council stated that it 'does not think that an independent review is required on this matter'.

commission an independent report into the reasons for this and follow any recommendations made.

9. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

- (a) The practices, procedures and other relevant factors in respect of the provision of accommodation services to members of the Traveller community within the Council's functional area;
- (b) The amount of funds allocated by the Department of Housing, Planning and Local Government that the Council requested to 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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