

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



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



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Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

2011 Assessment Regulations: Social Housing Assessment Regulations 2011 (S.I. No. 84/2011)

2011 Allocation Regulations: Social Housing Allocation Regulations 2011 (S.I. No. 198/2011)

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

Capital expenditure: Generally relates to the costs of acquiring, upgrading or extending physical assets, such as buildings, equipment or facilities

Current expenditure: Also referred to as 'revenue expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

CBL: Choice Based Lettings

CDP: Community Development Project

CENA: The Traveller-led Voluntary Accommodation Association (TVAA)

CLO: Community Liaison Officer

DCEDIY: Department of Children, Equality, Disability, Integration and Youth

DHPLG: Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020

DoJ: Department of Justice, formerly known as the Department of Justice, Equality and Law Reform

DSP: Department of Social Protection, formerly known as the Department of Employment Affairs and Social Protection

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

Revenue expenditure: Also referred to as 'current expenditure'. Generally relates to operational costs, for example it may include operational costs of maintenance, caretaking, social worker provision or provision of emergency accommodation

SEO: Senior Executive Officer

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

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SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

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

In June 2019 the Commission invited Westmeath 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 02 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 05 June 2020.

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

It comprises three sections, namely:

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

Section 1 Key areas of interest

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

The Council states that notice of the intention to prepare the draft TAP 2019-2024 and inviting submissions at an early stage in the process was communicated to the LTACC, the Midlands HSE, adjoining housing authorities and voluntary bodies as deemed appropriate, and published in the local press and on the Council's website. The Council states that submissions were received from three parties and were considered in the preparation of the TAP and incorporated into the plan as appropriate. The Council states that the draft TAP was advertised on 21 May 2019 and submissions invited from Travellers, members of the public and interested organisations. According to the Council, an additional two submissions were received up to the closing date for submissions on 22 July 2019.

The Council states that it is its policy to consult with Traveller applicants regarding their accommodation needs and requirements to provide, where appropriate, Traveller-specific accommodation. The Council gives the particular example of the extensive dialogue and consultation that had taken place, and was ongoing as of October 2019, in regard to the proposed redevelopment of Blackberry Lane. The Council states that:

“this interaction ensures that Traveller accommodation projects put forward by the Council are informed by expressed Traveller need, as opposed to this Authority simply imposing unwanted housing solutions on Traveller families across the county of Westmeath”.

The Council states that accommodation needs are assessed in accordance with statutory provisions under the Housing Acts 1966-2014 and relevant regulations. It states that the housing needs assessment of Travellers completed in November 2018 was carried out by Westmeath Traveller Project.

The Council states that it completes the annual housing needs assessment in accordance with s. 21 of the Housing (Miscellaneous Provisions) Act 2009. The Council provides that this assessment requires applicants to confirm their housing need as

previously set out in their housing application. According to the Council, failure to submit a completed return may result in an application for housing support being closed. The Council states that an assessment of current needs based on open housing applications, by consultation and through assessment of likely family formation over the period of the TAP was carried out. This identified that there was a housing need for 95 households. As provided in the adopted TAP 2019-2024, the Council states that it is proposed to provide for this accommodation need through a range of channels: 39 units of standard local authority housing, 5 halting site bays, 7 units under the rental accommodation scheme, 10 Part V units and 34 HAP units.¹ The Council also states that this does not include the planned redevelopment of the Blackberry Lane Halting Site to provide group housing for 37 families. The Council clarifies that the housing needs assessment carried out in developing the TAP 'is based on those Travellers who self-identify as Travellers' while 'Travellers who do not so self-identify' are housed by the Council, but not included under the TAP.²

The Council states that Traveller accommodation can be simply defined as any form of housing occupied by members of the Traveller community, and in practice means standard housing (whether owner occupied, Council, private rented with assistance from the Council or independently), Traveller accommodation sites and group housing schemes.³

¹ Part V of the Planning and Development Act 2000 allows a local authority to require developers to set aside a certain proportion of new developments for social or affordable housing. The percentage of land that must be provided for social and affordable housing in a housing development was reduced to 10% - from 20% - under the Urban Regeneration and Housing Act 2015.

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

"[this] statement was intended to convey the knowledge within the Council of a number of households that are of Traveller background and are provided with social housing supports but that do not identify themselves to the Council as Travellers. It was meant to illustrate the Housing Department's in-depth knowledge of the Traveller community in the County rather than any form of exclusion or lack of consultation or assessment".

³ In June 2021, the Council has advised that, in relation to this paragraph - which is taken from the Council's policy statement in its TAP 2019-2024 - it:

"was meant to be an inclusive definition of the housing supports provided and available to the Traveller Community. It was not meant to be a definition of Traveller Specific Accommodation but rather included this accommodation type within the wider supports provided. These supports are reflective of the local intimate tacit and formal knowledge of the Traveller Community in the County which has been built up in the Housing Department through years of interaction and consultation with the Community. This knowledge, together with the more formal TAP

The Council states that it engages on Traveller issues through the LTACC. The Council says that this committee has been in place in County Westmeath since June 1999. The Council states that the role of the LTACC is to advise in relation to the preparation and implementation of any accommodation programme for the functional area of the Council, to advise on the management of accommodation for Travellers, to provide a liaison between Travellers and members and officials of the Council, to facilitate consultation between the Council and Travellers and to produce an annual report giving a summary of activities for each year in operation. The Council advises that the composition of the LTACC remains the same in 2019 as during the TAP 2014-2018 and is two elected members, four Traveller representatives and five local authority staff (Director of Services, SEO, AO, social worker, HLO). According to the Council, the LTACC meets four times each year. Meetings alternate between Athlone and Mullingar. The Council states that Westmeath has strong Traveller representation on the LTACC where there is very good rapport between Travellers and elected and administrative committee members.

According to the Council, applicants who qualify for social housing are considered for available accommodation in accordance with the Council's adopted allocations scheme. The Council states that this scheme of letting priorities allows members of the Traveller community to avail of both the standard housing list and a Traveller-specific list. The Council states that families may be prioritised for housing by virtue of being members of the Traveller community. Travellers are also named under 'special category allocations' in the Council's housing allocation scheme. Traveller accommodation forms part of the Council's overall housing stock and is managed on the same basis as conventional housing, and policies such as anti-social behaviour, tenant handbook, etc. apply. The Council states that unauthorised encampments will be dealt with in accordance with appropriate legislation. The Council states that it facilitates transfer requests from members of the Traveller community both to and from Traveller-specific accommodation and standard housing subject to general requirement of transfers.

consultation and Housing Needs assessment is brought[t] to bear on all services and housing supports provided to the Traveller Community".

The Council states that it supports and promotes the involvement by Travellers in estate management on their halting sites. According to the Council, Blackberry Lane Development Group, under the auspices of Westmeath Community Development, has been established to maximise the use of a community centre in Blackberry Lane (Halting Site) as a resource for residents. The Council says that it also encourages the involvement of Travellers in estate management initiatives where Travellers are residing in local authority housing schemes.

The Council advises that two inspectors are employed who, as part of their duties, carry out ongoing inspections of the halting sites at Athlone and Mullingar. The Council states that rent charged for halting site bays is fixed at €10 per week and includes the provision of a day house. This provision is set out in the differential rent scheme in order to prevent hardship. According to the Council, rents charged for the provision of group housing are calculated in accordance with the differential rent scheme from 2020. Currently the charge is a fixed rent of €20/week.

The Council explains that the nomadic tradition of Travellers is accommodated in the regulation of tenancies/agreements whereby Travellers may leave their accommodation for a period of six weeks for the purposes of travelling, so long as arrangements are made to ensure rent payments are kept up to date.

The Council states that in terms of the range of supports available to members of the Traveller community, where Traveller households have family members with a disability, they may come within the supports and measures provided by the Council's strategy for housing of persons with a disability. The Council states that it has a dedicated Homeless Action Team (HAT) made up of housing personnel, employees from the DEASP, as well as emergency accommodation workers, tenancy support workers, addiction and mental health professionals and representatives from domestic violence services. The Council states that HAT meets on a fortnightly basis to review all homeless cases and agree specific actions. For Travellers who experience homelessness in Westmeath, HAT is a space where assistance can be brought to their particular case.

The Council says that it employs a social worker and two HLOs who, as part of their overall duties, provide support to Travellers. It states that the HLOs are active on RAPID fora relating to Traveller accommodation.⁴ The Council also says that one HLO participates on the Blackberry Lane Development Group. The Council also advises that it works closely with other statutory agencies including the HSE, local voluntary organisations and Westmeath Traveller Project to support the provision of accommodation, education, health services, training and employment supports and to avoid any unnecessary overlap and duplication of resources.

B. Comparison of funding to comparator group

In respect of capital expenditure on Traveller-specific accommodation for 2015 to 2018, the Council confirms that the total sum allocated by the DHPLG for this period came to €675,000.⁵ The Council further notes that the total sum drawn down came to €48,000. In 2019, the DHPLG allocated €250,000, of which no sums had yet been drawn down by the Council that year.

In respect of revenue expenditure for Traveller-specific accommodation from 2015 to 2018, the Council states that the total sum recouped from the DHPLG was €123,476. According to the Council, the total additional local authority funding over that period came to €521,044.⁶

The Council states that the total drawdown from the DHPLG for capital expenditure on general housing from 2015 to 2018 amounted to €29,121,543. Total additional local authority funding over this period came to €13,197,549.⁷

⁴ Rapid Forum meetings comprise representatives from a number of local estates. Issues identified at the fora as being in need of addressing are then brought forward to an Area Implementation Team meeting comprising representatives from various agencies who may be able to provide the resources needed for a particular project.

⁵ In June 2021, the Council has advised that the commentary provided by it in the table of Annual Capital Expenditure Traveller Accommodation 2015-2018 included in its Equality Review:

“makes it clear that the allocation provided in each year was essentially for the same project, albeit one that changes somewhat over time in consultation with the Traveller Community. The annual allocation varied between €150,000 and €165,000. The reasons for that allocation not being drawn down were also provided”.

⁶ In June 2021, the Council has advised that:

“this expenditure per unit is more than 4 times that expended on standard housing indicating the Council’s commitment to maintain the existing Traveller-specific stock in good condition”.

⁷ In June 2021, the Council has advised that:

In respect of current expenditure for general housing from 2015 to 2018, the Council asserts that no funding was received from the DHPLG. Local authority funding over this period came to €4,143,871.

C. Adequacy of funding

The TAP 2014-2018 set out annual accommodation targets for both standard housing and Traveller-specific accommodation. During the TAP 2014-2018 programme there were 40 units of accommodation delivered. The Council states that all of these were standard housing, rather than Traveller-specific, in line with the stated preference of the Traveller community. Overall, the Council says that it exceeded the overall accommodation targets set out in the 2014-2018 programme by 14%.

The Council states that the accommodation targets of its TAPs have been consistently achieved. It also notes that there are no unauthorised encampments in Westmeath.

The Council states that it will, with the continued agreement of the residents on site, progress plans to refurbish and upgrade Blackberry Lane Traveller accommodation to permanent group housing.

D. Whether all funding allocated drawn down

According to the Council, over the period of the 2014-2018 TAP, the only funding not drawn down was for the development of group housing and extension to bays in Blackberry Lane, Athlone. The Council says that the delay in 2015 and 2016 was due to ongoing consultations with the families in question and reaching agreement on which bays were to be extended. In 2017 the Council states that the allocation was for the engagement of consultants to prepare, design and plan for the proposed works.

Detailed discussions began with the heads of the families in March 2017. According to the Council, formal Stage 1 appraisal for redevelopment of the site went to the DHPLG for consideration in July 2017. In the absence of Stage 1 approval, no consultants were procured, hence there was no expenditure.

"It is important to note that allocations from the DHLGH for Traveller Accommodation are not comparable to the drawdown of funding from the DHLGH for standard accommodation. The allocations are made in advance of works while the drawdown is of money spent and does not reflect anticipated expenditure which may have been higher".

In 2018, the allocation once again was for the engagement of consultants. The Council says that Stage 1 approval was received in January 2018 and ongoing discussions continued with the families regarding specific requirements with a view to preparing a brief for the consultants. A design brief was completed and the tender placed in July 2019. No tenders were submitted, and the Council states that the tender was re-advertised in October 2019.

The Council states that the impact of not drawing down the funding in question (which was for the provision of bedrooms in the day houses on the halting site) was that the families for who the extensions were intended continued to live in over-crowded accommodation. This, together with the fact that the transient site in Athlone has permanent residents, ultimately led to the decision to upgrade the site and replace all bays, both permanent and transient, with group housing.

The Council states that the Council TAP 2019-2024 provides for the accommodation of 95 Traveller households through a combination of channels including standard social houses, rental accommodation scheme, Part V, HAP scheme and halting site bays. As per the previous TAP, these sources of accommodation will be provided through the Council's New Build Programme, AHB Build Programme, Part V delivery, and leasing from the private sector and HAP for housing applicants that are self-accommodating in the private rented sector.

The Council confirms that it will also provide for the redevelopment/refurbishment of Blackberry Lane Halting Site. This will include the provision of group housing to accommodate 37 households. This project is at Stage 1 with approval for a budget of approximately €3.5 million. Following agreement with the Traveller residents of the site regarding their requirements, the Council states that it has advertised for consultants to progress the design of the development. It was anticipated that the consultants will be appointed before the end of 2019 and that the scheme would be tendered in 2020 with a view to starting construction in late 2020 or early 2021. The Council says that it is envisaged that the full funding approval for this development will be drawn down within the lifetime of the TAP 2019-2024.

In a letter of clarification of 05 June 2020, the Council explained that the DHPLG had issued Circular 03/20 Traveller Accommodation Budget 2020 in January 2020. This, according to the Council, changed how Traveller-specific accommodation funding is allocated. The Council states that there will no longer be an allocation *per* local authority. Instead local authorities will apply on a scheme by scheme basis in accordance with the DHPLG's single stage or 4-stage approval process that is already used for capital projects.

In terms of its own internal drawdown systems, the Council states that funding applications for Traveller-specific accommodation follow the same process as other social housing capital projects and all are reviewed monthly to ensure that any monies expended on projects are, where claimable from the DHPLG in accordance with relevant circulars, claimed in a timely manner. The Council states that all projects are reviewed in terms of progress by the Council's Director of Services, Senior Executive Officer and Senior Executive Architect on a recurring fortnightly basis and are tracked via an internal tracker spreadsheet. The Council reports that:

"[u]pdates in regard to the Council's social housing capital programme, including Traveller accommodation, are included in the Chief Executive's monthly management report furnished to the members of the Council and tabled on the agenda of each monthly Council meeting in accordance with the Local Government Act as amended".⁸

The Council states that this report is also a standing item on the agenda for meetings of the Housing, Community, Corporate and Culture Strategic Policy Committee. Meetings of the LTACC are scheduled to take place quarterly throughout the year and the preceding month's management report (Housing Section update) is reported on. In addition, progress on Traveller-specific accommodation projects are reported at each meeting.

⁸ It is not specified in the Council's Equality Review but this appears to be a reference to the Local Government Act 2001 (S.I. 37 of 2001) (as amended).

E. Any further issues of equality of opportunity

The Council sets out the following recommendations:

- According to the Council, transient halting sites have not been identified as a need locally by Westmeath Travellers Project. However, it states that such sites might be needed at a regional or national level to support the nomadic tradition of Travellers. It argues that, as such, they should be developed on a regional basis in collaboration with a number of adjacent local authorities. The Council says that the only regional structure relating to the role of local authorities is the Eastern and Midlands Assembly. Regional Assemblies were created under the Local Government (Reform) Act 2014. Although regional assemblies have no assigned implementation role, the Council notes that they do have a range of powers in relation to spatial planning and economic development. The Council states that it is recommended that Government give consideration to examining this matter in light of the recommendations of the TAER 2019 that regional assemblies be given a formal role in advising on, coordinating and monitoring of the local level delivery of Traveller accommodation at regional level, and, in the shorter term pending this new role, designate local authorities in each region as leads in the areas of review, policy, delivery, etc;
- The Council says that the Public Sector Duty, which places a responsibility on public bodies including local authorities to implement the duty to promote equality, protect human rights and prevent discrimination, should be advanced by identifying the equality and human rights issues in the county, including those affecting Travellers, and developing a plan to address the totality of policies and practice negatively impacting on Travellers;
- According to the Council, the introduction of a Traveller identifier for the purposes of equality monitoring would assist the application process for standard housing. This could emerge as part of the Public Sector Duty implementation process. The Council further states that the introduction of such ethnic equality monitoring will need to be 'preceded by staff training

and accompanied by strict controls on the sharing and use of any collected data'; and

- The Council says that it is recommended that the provision of Traveller-specific accommodation is considered as new build delivery under the DHPLG capital housing programme in the same way that the provision of standard new houses is. This would ensure that Traveller accommodation forms part of the local authority housing delivery targets and would be reported on in the same way to the Council, Department and Minister.

In its letter of clarification of 05 June 2020, the Council states that to assist with the review process and ensure its robustness, it appointed an independent specialist (aided by his business partner) to assist in the review. The Council says that this independent specialist undertook research which also included interviews and consultation with various staff members, LTACC members and the Westmeath Traveller Project under Westmeath Community Development. In addition, the specialist assisted with the review outlined above and the provision of general advice.

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

In the information provided to the Commission, the Council advises that an independent specialist (aided by his business partner) was appointed by the Council to assist with the review process. The Council advises that this process included:

“research and interviews and consultation with various staff members, Local Traveller Accommodation Consultative Committee (LTACC) members and the Westmeath Traveller Project under Westmeath Community Development”.

However, the Council’s Equality Review Report contains no reference to these processes or the outcome of these interviews and consultation and the issues that were raised by those consulted.

True preferences

The Council does not appear to have a robust system in place to capture and record the true accommodation preferences of Travellers. Its assessment of such need for the purposes of initially drafting its TAP was confined to seeking submissions on a draft TAP, data from the housing needs assessment of Travellers completed in November 2018 carried out by Westmeath Traveller Project and data from the annual housing needs assessment carried out in accordance with s. 21 of the Housing (Miscellaneous Provisions) Act 2009. The Council clarified that the housing needs assessment was based on those Travellers who self-identified as Travellers in the social housing application form. Travellers who did not so self-identify were housed by the Council, but not included under the TAP.⁹

⁹ In June 2021, the Council has advised that:

“housing staff, including Housing Liaison Officers and Social Worker are in practically daily contact and interaction with the Traveller Community and have a wealth of knowledge of the local housing need on an ongoing basis. This was combined with the detailed information on Housing Need provided by the Westmeath Traveller Project and interactions with LTACC. These various layers

While consultation with representative bodies and calling for submissions from members of the Traveller community themselves is useful, this does not ensure that the particular accommodation needs of all Travellers in the functional area are captured and recorded. In respect of relying on data from the social housing assessment form, again not all Travellers with unmet accommodation needs may complete and submit such a form, for a number of different reasons. Relying on data from the 2018 assessment of Traveller accommodation is to rely on a snapshot of accommodation choices made at that time rather than a means of capturing true accommodation preferences.

The difficulties with this 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 Commission notes the Council's practice that once a Traveller-specific accommodation project is selected, it engages in extensive consultation with the Travellers to be accommodated by that project in respect of their specific needs and the progress of the project. The Council gives the particular example of the extensive dialogue and consultation that has and continues to take place in regard to the proposed redevelopment of Blackberry Lane.

The Council defined Traveller accommodation as any form of housing occupied by members of the Traveller community, and in practice means standard housing (whether owner occupied, Council, private rented with assistance from the Council or

of information give the Council an in-depth understanding of Traveller Accommodation needs in the County".

independently), Traveller accommodation sites and group housing schemes. The issues with this definition will be discussed in more detail below. The Council also stated that families may be prioritised for housing by virtue of being members of the Traveller community. Travellers are named under 'Special Category Allocations' in the Council's Housing Allocation Scheme.

Supports available

In its Equality Review, the Council states that it has strong Traveller representation on its LTACC and that there are four Traveller representatives on the LTACC. The Council believes that there is very good rapport between Travellers and elected and administrative committee members. The Equality Review states that the role of the LTACC includes: advising the Council in regard to the preparation of the TAP and the provision of accommodation to Travellers; acting as a liaison between the members and officials of the Council and Travellers; and facilitating consultation between Travellers and the Council. There is no information provided in regard to the process by which Traveller representatives are appointed onto the LTACC, and/or what, if any supports are in place to support their effective and meaningful participation on the LTACC, and/or the process for them to have accountability back to the wider local Traveller community.¹⁰

In terms of other supports available to Travellers in order to ensure their equal access to accommodation services, the Council facilitates transfer requests from members of the Traveller community both to and from Traveller-specific accommodation and standard housing subject to general requirement of transfers. The nomadic tradition of Travellers is accommodated in the regulation of tenancies/agreements whereby Travellers may leave their accommodation for a period of six weeks for the purposes of travelling, so long as arrangements are made to ensure rent payments are kept up to date. The Council employs two inspectors to ensure the proper estate management of

¹⁰ In June 2021, the Council has advised that it:

"did not previously understand that the provision of this information was required. For clarity, the Council has provided a range of supports through Council's Housing and Community Development Section to facilitate the participation of Traveller Representatives on the LTACC and other structures. Further details can be provided if required".

Athlone and Mullingar halting sites. The Council charges rent for halting site bays and group housing in accordance with the differential rent scheme.

The Council further employs a social worker and two HLOs who, as part of their overall duties, provide support to Travellers, such as assistance in completing the social housing application form. These staff also advise the Council on priority allocations. The review notes that one of the HLOs is involved in the Blackberry Lane Development Group, and both are involved in the 'RAPID fora relating to Traveller accommodation'. There is no further detail provided, however, in regard to: whether, and how these general supports take account of the specific situation, experience and identity of Travellers and their specific needs; and particular outcomes for, and experiences of, Travellers accessing these supports. The Council also works closely with other statutory agencies including the HSE, local voluntary organisations and Westmeath Traveller Project.

The Equality Review and TAP advise that the Council 'supports and promotes' the involvement of Travellers in estate management on the Council's halting sites, and that Travellers are encouraged to become involved in 'estate management initiatives' on the group housing sites. The Equality Review references a 'development group' initiative on the Blackberry Lane halting site under the auspices of Westmeath community development, which aims to maximise the use of a community centre on the site as a resource for residents. There is no further detail provided, however, on this initiative and there is no detail provided on the nature of the supports in place to secure Traveller tenant involvement in estate management and the outcome of such initiatives.

Travellers also have access to disability supports and a comprehensive HAT made up of housing personnel, employees from the DEASP, as well as emergency accommodation workers, tenancy support workers, addiction and mental health professionals and representatives from domestic violence services. There is no indication in the current TAP as to the extent to which homelessness is an issue for Travellers in the Council's administrative area, which might have been expected given the high rates of homelessness identified nationally for Travellers. The TAP notes that:

“[h]omelessness can arise from time to time for members of the Travelling Community and supports may be made available by the Council’s Homeless Service, under the Midlands Regions Homeless Action Plan”.

The Equality Review does not provide any information as to the level and nature of Travellers’ engagement with this service, the particular experience of Travellers of homelessness, and specific outcomes from any such engagement.¹¹

Indigenous requirement

The Council states that it endeavours to provide Traveller-specific accommodation for the county’s ‘indigenous Traveller community’. A requirement of being ‘indigenous’ to the county 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”.¹²

Funding and draw down of funding

There was a significant underspend on capital expenditure for Traveller-specific accommodation from 2015 to 2018. The total sum allocated by the (DHPLG) to the Council for Traveller-specific accommodation for this period came to €675,000. The Council’s drawdown of this allocation over this same period came to €48,000¹³. The

¹¹ In June 2021, the Council has advised that it:

“understood that the focus of the [Equality] review was in relation to the drawdown of capital funding for Traveller specific accommodation and therefore did not provide detailed information on Traveller homelessness in the County [and that] the Council is happy to engage with IHREC on this issue. It is noted that Westmeath has no unauthorised halting sites and no large families availing of homeless services and this is reflective of the normal situation in the County”.

¹² In June 2021, the Council has advised that it:

“does not apply its housing assessment function in so rigidly a manner that it becomes an effective bar to any consideration of an application for housing by a member of the Traveller Community”.

¹³ See fn. 5, above. In June 2021, the Council further advised that:

“[t]he allocation provided is in relation to the project to upgrade existing housing provision at Blackberry Lane. This project has gone through a number of iterations in consultation with the residents. It should also be noted that, while funding has not been drawdown [sic], there has been considerable work and resources put [in]to this project. The Department only permits partial recoupment of this cost at particular stages in the four-stage process. In addition, it should be noted that Westmeath County Council carried out upgrades of the Blackberry Lane

Council, in its Equality Review, advises that these allocations relate to the development of group housing and the extension of bays at the Council's Blackberry Lane Halting Site as will be discussed further below. In 2019, the DHPLG allocated €250,000, of which no sums had yet been drawn down by the Council that year. The Council did however spend a sum of local authority funding on current expenditure for Traveller-specific accommodation and maintenance costs. From 2015 to 2018, the total sum recouped from the DHPLG was €123,476, but total additional local authority funding over that period came to €521,044.¹⁴

The total drawdown from the DHPLG for capital expenditure on general housing from 2015 to 2018 amounted to €29,121,543. Comparing total draw down for capital expenditure on Traveller-specific accommodation to that for general housing over this period, the ratio is 48,000 : 29,121,543 or 1 : 607. No data is available in respect of the comparative populations of Travellers as against the settled population of the Council's functional area and so no meaningful comparison can be drawn from this ratio.¹⁵

The Council stated that the accommodation targets of its TAPs have been consistently achieved, yet in respect of its TAP 2014-2018 targets, all 40 units of accommodation delivered were standard housing rather than Traveller-specific accommodation. It

site and St. Michael's Park site during the 2000–2004 TAP and the 2005–2008 TAP and to both Blackberry Lane and St. Michael's Park under the 2009-2013 TAP".

¹⁴ In June 2021 the Council has advised that:

"this project has gone through a number of iterations in consultation with the residents. It should also be noted that, while funding has not been drawdown, there has been considerable work and resources put to this project. The Department only permits partial recoupment of this cost at particular stages in the four-stage process".

¹⁵ In June 2021 the Council has advised that it:

"considers that such a comparison is not possible for a number of reasons including:

- as identified in the [Equality] Review, the Council's in-depth experience of dealing with the Traveller Community in Westmeath is that Traveller's own preference for Traveller-specific Accommodation is small compared with their requirement for standard housing;
- Because of the relatively small need for Traveller-specific accommodation, its provision is generally at particular points in time rather than annually, e.g. upgrade of Blackberry Lane and St. Michael's Park in years before those under consideration in the Equality Review and the current planned upgrade of Blackberry Lane;
- Travellers comprised 13% of the housing allocations to standard housing in Westmeath over the last 3 years. Therefore, expenditure on standard housing includes expenditure on Traveller Accommodation albeit not Traveller-specific.

It is noted that data on Traveller population in Westmeath is published on the DHLGH website on an annual basis and is provided as part of the Census information".

states that this was in line with the stated preference of the Traveller community. However, it further stated that it has been working on delivering the development of group housing and extension to bays in Blackberry Lane, Athlone since 2015. This is a considerable delay. A timely response to accommodation needs is important. The Council itself acknowledges that the impact in this failure to complete this project in a timely fashion has had a negative impact on the intended residents of this site who continue to live in over-crowded accommodation.

The Council sets out the timeline for the development of the project in Blackberry Lane. In regard to the allocation for the extensions to 3 bays, the Council advises that in 2015 and 2016 there was no drawdown on this allocation, and states that causes of the delay include ongoing consultations with the families in question and reaching agreement on which bays were to be extended (2015-2016). While an application for Stage 1 approval, in relation to an allocation relating to the engagement of a consultant to prepare and design the works, was made in July 2017, this was not obtained by year end. Indeed, no such engagement of consultants was procured in 2017, and Stage 1 approval was not secured until 2018. Stage 1 approval was received in January 2018 and ongoing discussions continued with the families regarding specific requirements with a view to preparing a brief for the consultants. The Council then decided to redevelop the entire site, converting all bays to group housing. The Council advises, as above, that the families who were the intended recipients of the extensions continue to live in overcrowded accommodation in the meantime.

The Council's Equality Review advises that the budgeted cost of upgrading the Blackberry Lane site to 37 units of group housing is €3.5 million and that the DHPLG allocated €250,000 towards this project, in 2019. A design brief was completed and the tender placed in July 2019. No tenders were submitted, and the tender was re-advertised in October 2019. The Council reports that it expected to appoint consultants to the project in 2019, with an anticipated commencement date of late 2020/early 2021. As of the time of preparation of the Council's Equality Review (September 2019) there had been no drawdown on this allocation.

This significant delay of four years ongoing is despite the fact that the progress of Traveller accommodation projects is monitored by a number of actors. This monitoring includes fortnightly reviews by the Council's staff, which are tracked via an internal tracker spreadsheet. Traveller-specific accommodation is also on the agenda of each monthly Council meeting, the meetings of the Housing, Community, Corporate and Culture Strategic Policy Committee and the quarterly meetings of the LTACC.

It is noted that the Council appointed an independent specialist to assist in the review. This independent specialist undertook research which also included interviews and consultation with various staff members, LTACC members and the Westmeath Traveller Project under Westmeath Community Development. It would have strengthened the review for the Council to have included some detail and/or original documentation setting out the content of these interviews and consultations.¹⁶

Targets

The data outlined in Table 1 of the Equality Review, which appears to be from the assessment carried out by Westmeath Traveller Project, although this is not made clear, indicate that 12 households are sharing accommodation, 16 households are on transient halting site bays, and two families are in a caravan in a garden. This would indicate at least 30 households currently requiring social housing supports. The current TAP indicates a target number of 95 units, for the 2019-2024 programme period (86 current need and 9 projected need), which appears low for the 53 individuals who will reach the age of 18 years during the period.¹⁷

The TAP advises that:

¹⁶ In June 2021, the Council has advised that it would be happy to provide this should the Commission request it.

¹⁷ In June 2021, the Council has advised that Table 1 of the Equality Review:

"is a summary of the 'Annual Estimate of Traveller Families and Their Accommodation Position' carried out by the Council and published by the DHLGH on an annual basis. It is noted that the majority of the families identified as residing in transient halting site bays will be included in the Blackberry Lane upgrade. It is further noted that the provision of housing supports to 95 Traveller households over the term of the Plan represents approx. 22% of the Traveller families in the County".

“analysis of information at hand and from other sources to the local authority further identified a total of 86 established family units who are in need of accommodation”.

While this statement suggests this figure of 86 is ‘further’ to those households identified in Table 1, this is unclear. No detail is provided as to the current accommodation status of these 86 households. There is a lack of clarity in the TAP as to how the current need target of 86 units is arrived at.

Of the targeted output of 95 units for the current TAP, the Council indicates that: 39 will involve standard local authority housing; 34 will involve HAP; ten will involve Part V provision; seven will involve RAS; and five will involve halting site provision. The TAP advises that the five units to be provided through halting site provision will involve the use of vacant bays rather than new builds.

Given that the Council does not plan to accommodate any of the 95 Traveller households through new Traveller-specific accommodation projects, it is of concern that the Equality Review does not provide more detail in regard to whether and how Travellers were supported to effectively engage with the process to ensure that preferences identified are in fact true preferences, as above.¹⁸ The TAP does not provide detail on the preferences expressed by those households applying for social housing supports, and as discussed, there is no independent verification process identified in relation to preferences, other than the partial work referenced, but not detailed, undertaken by Westmeath Traveller Project, and no tracking of preferences over time reported in the TAP or the Equality Review.¹⁹

¹⁸ In June 2021, the Council has advised that its position in relation to true preferences is as *per* its comments at fn. 9, above, and that:

“social housing supports are provided in accordance with Housing legislation and are made available to an applicant, following the submission of an application, once they have been deemed qualified for social housing supports by the Council. The application process, in relation to the Traveller Community, is supported as outlined in the Council’s Equality Review Report by the Councils Housing staff and Traveller representatives”.

¹⁹ In June 2021, the Council has further advised that it:

“does not agree that there is a requirement for independent verification of accommodation preferences nor that there should be a tracing of preferences over time”.

Issues of equality of opportunity and/or discrimination

The policy statement of the Council's TAP 2019-2024 is framed in such a way that it suggests that 'Westmeath County Council is committed to addressing equality and human rights concerns for all in the delivery of its Housing Functions, including Traveller Accommodation, by the promotion of the values of dignity, inclusion, social justice, democracy and autonomy'. There is no information provided in the Equality Review, however, as to how these core underpinning values are applied by the Council in the development and implementation of its TAP.

The current TAP indicates that the housing needs assessment was carried out by the Westmeath Traveller Project, which is of interest for involving a perspective independent of the Council. However, it notes that '[t]his assessment reflects the needs of those families who agreed to take part'. There is no information provided to indicate how many households declined to take part, their current accommodation status, and their reasons for not taking part in the assessment. The TAP advises that other data already available to the Council based on previous surveys, the Traveller Families Annual Estimate, housing needs assessments and regular contact with Travellers and Traveller representatives, were also used to assess accommodation need.

As above, the Council's policy statement defines Traveller accommodation as follows:

"Traveller Accommodation can be simply defined as any form of housing occupied by members of the Travelling Community, and in practice means standard housing (whether owner occupied, Council, private rented with assistance from the Council or independently, Traveller accommodation sites and group housing schemes)".

This statement would appear to misunderstand the cultural specificity of Traveller-specific accommodation, and the particular accommodation needs that arise for Travellers linked to their ethnic identity.²⁰

²⁰ In June 2021, the Council has advised that its definition of Traveller accommodation:

"is intended to be inclusive rather than exclusive and the Council does not misunderstand the cultural specificity of Traveller-specific accommodation".

The TAP is silent on whether the Council has considered the provision of transient bays for visiting or nomadic families. While the Council currently has 16 transient bays on its two halting sites, it would appear that these are currently used for households awaiting more permanent accommodation and it is also noted that the transient bays in the Blackberry Lane site are to be converted to group housing. Given the imperative to respond to the needs arising from cultural difference and the potential importance of transient sites to the nomadic tradition of the Traveller community, it would have been relevant to include some detail in the Equality Review on the Council's approach to the provision of transient sites.

It is also a gap that consideration does not appear to have been given to addressing issues of cultural difference and any specific needs that might arise in this regard in the provision of standard housing. There is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates.²¹

The Equality Review does not address issues in relation to Travellers' access to private rented accommodation, despite the high number of units targeted involving HAP supports: one-third of the planned provision over the lifetime of the current TAP. Considering the well documented experiences of discrimination among Travellers accessing private rented accommodation and issues of shortages in provision and related issues of cost, it is of concern that these issues are not given some consideration in the Equality Review of the Council.²²

²¹ In June 2021 the Council has advised that it:

"provides such supports through a range of measures and across the organisation including through its work with the Westmeath Traveller Project, the RAPID (Revitalising Areas through Planning Investment and Development) structures in Athlone and Mullingar the SICAP (Social Inclusion and Community Activation Programme) as well as direct support from the Housing Department in the form of Housing Liaison Officers and Housing Welfare Officer".

²² In June 2021, the Council has advised that it:

"understood that the focus of the [Equality] review was on the drawdown of capital funding for Traveller specific accommodation and therefore did not provide detailed information on this matter. Again, the Council is happy to engage with IHREC on this issue. Additional support by way of the HAP Placefinder is available to members of the travelling [sic] community seeking HAP accommodation. This support includes additional payments, liaising directly with the landlord, and supporting members of the Traveller in seeking properties in the first instance. Tenancy sustainment services are also available via a service funded by Westmeath Council".

In June 2021, the Council has also provided information in relation to RAPID and SICAP supports.

Public Sector Equality and Human Rights Duty

The Equality Review and TAP of the Council make reference to the Council's statutory obligations under S42 of the 2014 Act: the Public Sector Equality and Human Rights Duty. The Council states that the Public Sector Duty was taken into account in the preparation of the TAP 2019-2024. There is no detail provided in the Equality Review, however, as to what this process involved. In particular, there is no reference to the Council having undertaken an assessment of equality and human rights issues.

The Equality Review, in one of its recommendations, notes that the Public Sector Duty:

“should be advanced by identifying the equality and human rights issues in the county, including those affecting Travellers, and developing a plan to address the totality of policy and practice negatively affecting Travellers”.

It is a gap, therefore, that the Equality Review does not detail what contribution the Council has made to this, as part of its consideration of the duty in developing the current TAP.

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:

- mainstreaming the core values of dignity, inclusion, social justice, democracy and autonomy, identified as underpinning the Council's TAP, into all policies, procedures, and practices of relevance to its implementation and review.
These core values can also feed into the Equality Policy and training discussed at recommendation 8) below;
- 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 a breakdown of preferences by accommodation type;
- tracking over time and independently verifying the preferences of the Traveller community in relation to type of accommodation and ensuring a respect for Traveller culture and identity in meeting these;
- 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;
- establishing the level of Traveller homelessness in the area and their specific experience of, and needs in regard to, being homeless;
- 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;

- 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;
 - identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for local Traveller organisations to emerge and play a role; 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. 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. They 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.

5. Engage the services of an appropriate independent body, to draft a report setting out proposals for improvements that may be made to the Council's system for monitoring the progress of Traveller-specific accommodation projects in order to ensure that the delays involved with the Blackberry Lane Project are not repeated. Any such proposals adopted by the Council should be published.
6. 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.
7. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report into the reasons for this and follow any recommendations made.
8. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

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

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



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

The Irish Human Rights and
Equality Commission
**16 – 22 Sráid na Faiche,
Baile Átha Cliath, D07 CR20**
16 – 22 Green Street,
Dublin, D07 CR20

Íosghlao/Lo-Call 1890 245 245
Guthán/Phone + 353 (0) 1 858 3000
Ríomhphost/Email info@ihrec.ie
Idirlíon/Web www.ihrec.ie
🐦 @_ihrec