

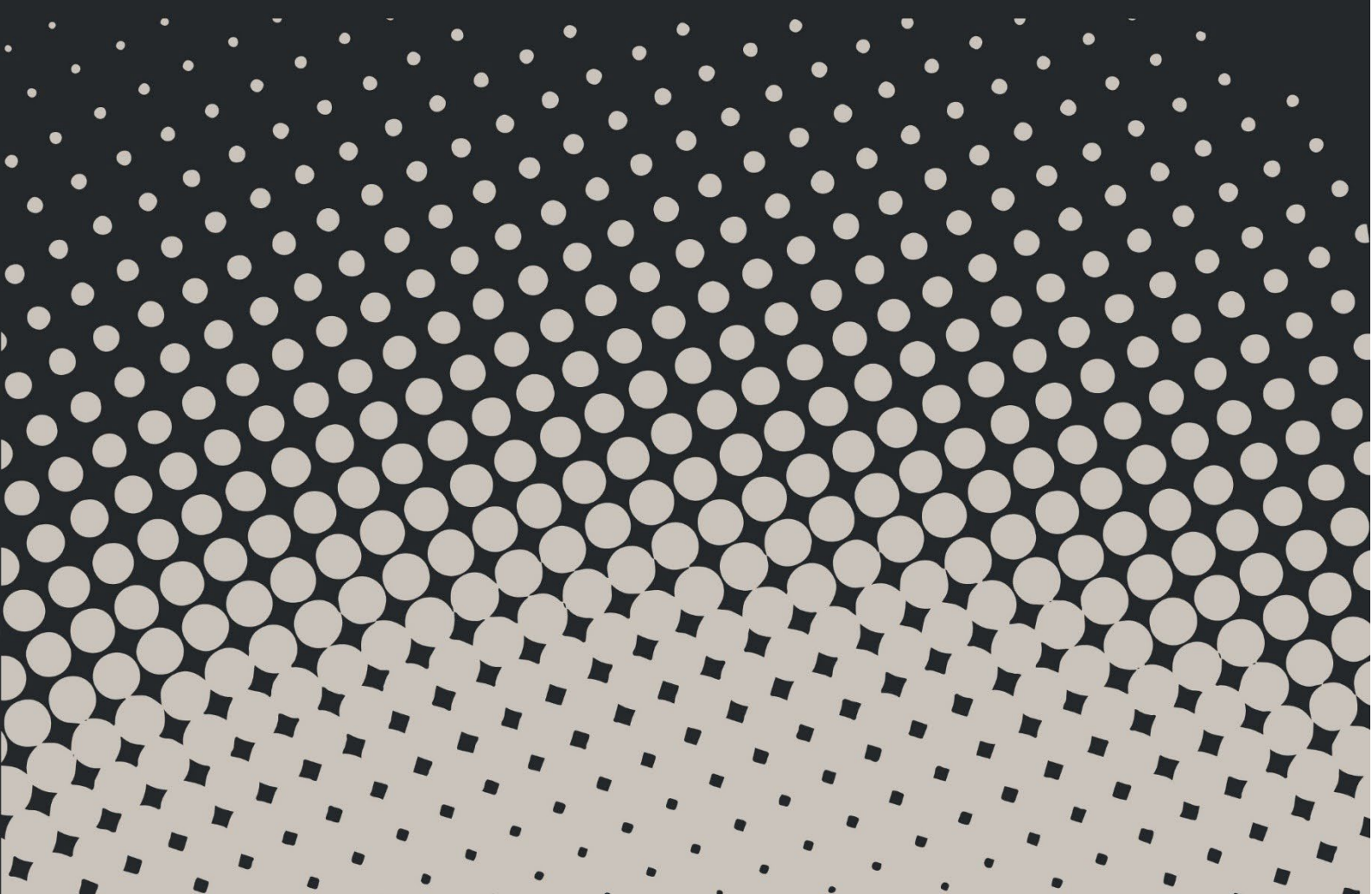


Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

An Account of the Equality Action Plan prepared by Donegal County Council in respect of Traveller specific accommodation

Irish Human Rights and Equality Commission

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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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Glossary

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| 2014 Act: | Irish Human Rights and Equality Act 2014 |
| AHB: | Approved Housing Body |
| 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 |
| DHPLG: | Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020 |
| LTACC: | Local Traveller Accommodation Consultative Committee |
| PSEHRD: | Public Sector Equality and Human Rights Duty |
| TAO: | Traveller Accommodation Officer |
| TAP: | Traveller Accommodation Program |
| TAU: | Traveller Accommodation Unit |

Introduction

In June 2019, Donegal County Council (the ‘Council’) was invited to prepare an Equality Review with respect of Traveller accommodation and services, and this was submitted to the Commission in October 2019. The Commission’s account of the Council’s Equality Review was published [here](#) as part of the Commission’s 2020 Annual Report.

Under section 32(1)(b) of the Irish Human Rights and Equality Commission Act 2014 (the ‘2014 Act’) the Commission may invite a particular undertaking to prepare and implement an Equality Action Plan.

In November 2022, the Commission invited the Council to prepare an Equality Action Plan (‘a Plan’) to further the promotion of equality of opportunity regarding the access to and provision of Traveller-specific accommodation, including specified and time-bound actions regarding practices, procedures, and policies that relate to the drawdown of capital funding and the provision of Traveller-specific accommodation services to Travellers in the functional area of the Council.

The Council was invited to prepare a Plan with identified objectives that were specific, measurable, attainable, relevant and time-based. The Council was invited to prepare a Plan that identified the person responsible for ensuring that the objectives are achieved and include arrangements for monitoring and review. The invitation noted the importance of consultation with Travellers, their representative groups and other stakeholders in the preparation, implementation and communication of the Equality Action Plan in order to ensure that the preparation and implementation of the Equality Action Plan is achievable and can deliver real results for the affected community.

In preparing any Plan, the Commission requested that the Council address and report on a number of specific issues. (See Appendix 1).

The Council submitted its Plan in response to the Commission in June 2023. This is the Commission’s account of the Council’s Plan that, pursuant to section 28(2) of the 2014 Act, is being published as part of the Commission’s 2024 Annual Report.

Summary of Actions identified in the Plan

Promote Equality of Opportunity

Improvement in accuracy of annual count/census of Traveller accommodation need and presentation of data in the TAP

The Plan reports on actions taken to date or planned to improve the accuracy of the annual county/census of Traveller accommodation needs in the functions area of the Council.

In relation to the annual count, the Plan notes that the Social Housing Application form now allows for Travellers to identify their ethnicity and allows for the selection of multiple accommodation types, including group housing and halting site accommodation. The Plan notes that this will result in a more thorough and comprehensive reflection of Traveller needs and it will be used to confirm relevant data and create data on accommodation preferences.

The Plan also states that Social Housing Assessment is completed annually by assessing all 'approved' housing applications. The Plan confirms that the annual estimate of accommodation of Traveller families is completed in consultation with local Traveller groups and families. The Plan states that the Council will engage and consult with neighbouring local authorities and states that a multi-agency approach is taken in preparation of the annual count. It confirms that the current methodology incorporates a breakdown by accommodation type. The Plan states that the Council generates reports through its document management system which summarises the type of housing support that meets the identified need.

In relation to the presentation of data in the TAP, the Plan sets out the Council's current practices and notes that the information captured in the annual count informs the preparation of the TAP.

The Plan states that a more thorough comprehensive reflection of Traveller accommodation needs will be captured due to the addition of the ethnicity identifier in the Social Housing Application Form. The Plan also includes a commitment to providing more in-depth detail in the analysis of accommodation need section of the TAP based on the additional information in the new housing form.

Recognising the practical implications of Traveller ethnicity

In recognising the practical implications of Traveller ethnicity, the Plan again refers to the ethnicity identifier in the housing application form. It states that the Council's TAP recognises Traveller identity as an indigenous minority group. It states that the Council completed cultural diversity training for staff which was developed by a local Traveller representative group.

The Plan commits to reviewing the practical implications of Traveller ethnicity and to identify the priorities of Travellers within its functional area in conjunction with a local representative group and the LTACC as part of the preparation of the new TAP. The Council also commits to including a policy statement on Traveller ethnicity in the incoming TAP.

The Plan states that the Council has developed and adopted a Black and Minority Ethnic Inclusion Strategy for County Donegal 2021 – 2026. It states that this strategy is based on intercultural inclusion and focuses on:

“the full spectrum of black and minority ethnic communities living in County Donegal thus directly encompassing the equal treatment grounds of race, religion and membership of the Traveller community”.

It states that the strategy was informed by inter-agency cross-sectoral steering group. The Council commits to incorporating the strategy, findings, actions, monitoring and evaluation processes of the strategy in the TAP.

The Council states that it is engaged in ongoing initiatives regarding the promotion and facilitation of horse ownership by Travellers, including the leasing of lands on an annual basis. It states that proposals are in place for grazing on Council owned lands and that a stables project is under review for a family.

In relation to tenant participation, the Council states that it has established Tenant Participation Programmes on sites and that it will continue to actively engage with residents on a weekly basis to ensure ongoing consultation with Travellers.

The Plan states that its Social Inclusion Unit coordinated “One Donegal Social Inclusion Week 2023” on 25 March to 1 April. It states that this was aimed at promoting and

increasing awareness and understanding of inclusion and diversity. It states that it culminated in a Cultural Awareness Celebration celebrating differing cultures.

The Plan states that its Traveller Accommodation Officer ('TAO') has been in the role for 20 years and has built up respect and trust with Travellers over those years. It also states that there are varying and ongoing Traveller culture related projects on Traveller accommodation sites, including a memorial garden and plaque erected in a group housing scheme in collaboration with the families.

In relation to engagement with Travellers, the Plan states that it conducts a twice weekly telephone call clinic and that its TAO has daily consultation with a local representative group. It also states that it has "*wraparound services provided to families if deemed necessary*" and that it conducts regular meetings with non-Traveller communities where specific issues arise. The Plan refers to a project ('Respecting & Connecting Communities – Building Positive Relations between the Traveller and Settled communities') which the Council undertook aimed at improving relations between Travellers and the settled community. It states that the Council continues to build on the learning from this project in its TAPs.

Traveller participation in estate management

In relation to Traveller participation in estate management, the Plan states that through the LTACC, the Council has set up sub groups and has established several Tenant Participation Programmes over the course of previous and the current TAP. It states that there was a multi-agency approach and that positive outcomes were achieved through the Tenant Participation Programmes, referring to one specific scheme which resulted in three new permanent bays, two refurbished dwellings and caravan replacements. The Plan also refers to a commitment in its TAP to promote tenant participation and states that it is an ongoing initiative. The Plan includes a commitment to develop 'Tenant Participation – Best Practice Guidelines' by Q2 of 2024.

Provision of appropriate and accessible homeless services

In relation to Traveller homelessness, the Plan states that the Homeless Action Plan for the North West Region 2023 to 2028 was recently adopted following a detailed consultative process including multiple stakeholders and representative groups. It states

that the Council continues to provide a range of emergency accommodation solutions to Travellers including emergency hostel accommodation, hotel and B&B accommodation, apartment, housing and the provision of caravans.

The Plan sets out various measures implemented by the Council regarding Travellers who present as homeless, including the internal liaison between the TAO, the Housing Area Managers and the Homeless Action Team and that it links with external service providers also including MABS, SVDP etc. It also states that the TAO works closely with a local representative group in cases of families experiencing homelessness and that it will work with this group regarding literacy and digital supports.

The Plan states that homelessness is reviewed on an ongoing basis at LTACC meetings and that the Council continues to liaise with the Traveller Accommodation Support Unit in the DHPLG regarding best practice and assessing and availing of financial supports.

Travellers who are nomadic

In relation to Travellers who are nomadic, the Plan refers to the Council's review of transient accommodation during the 2014 to 2018 TAP in conjunctions with the LTACC which concluded that there is no identified need for a transient site in Donegal. The Plan includes a commitment to further review transient accommodation through engagement with the Traveller community, adjoining cross border local authorities and the DHPLG.

Caravan Loan Scheme

In relation to a Caravan Loan Scheme, the Plan refers to Circular 31/2022 which notes that the Department was introducing a nationwide Pilot Caravan Loan Scheme until the end of 2022. It states that in accordance with the Circular:

“the Council put in place a mechanism / process map for processing of applications received for Caravan Loans”.

It states that DHPLG is reviewing the pilot and that the outcome of same is awaited. The Plan states that it will incorporate details and options regarding the Caravan Loan Scheme in the next TAP.

The Plan states that the Council received no applications during the initial pilot phase of the Scheme and that in 2023, two applications were been received. It does not state whether these application resulted in the provision of loans.

The Plan confirms that the Scheme has been promoted through the Council's website, directly to families, through a local representative group and the LTACC. The Plan states that the Council finds it difficult to provide a meaningful evaluation at this point given the low level of demand and the pending review.

Introduction of the ethnicity identifier

In relation to the introduction of the ethnicity identifier, the Plan states that applicants are informed of the new identifier. The Plan confirms that the data will be used to inform the preparation of the TAP and the Annual Estimate of Travellers. It states that the data allows the Council to plan for the new TAP and that the TAU will use the data to apply for 'appropriate funding' from the DHPLG.

Mainstreaming core principles of inclusivity and non-discrimination

Regarding new or updated practices to mainstream core principles of inclusivity and non-discrimination in the Council's engagement with Travellers on housing issues, the Plan states that the TAO has been in the post for 20 years and has developed good relationships with the Traveller community. It states that the TAO coordinates the LTACC meetings and the weekly telephone clinics, and that the TAO works with local representative groups, the public health nurse and other agencies and professionals. In relation to the telephone clinic, the Council states that to increase awareness, the details of this service will issue to all Traveller families in the county. It also states that there is an appointment system in place for daily and weekly appointments with the TAO, that a local representative group facilitates family meetings and that there are regular on-site review meetings with families.

The Plan includes a commitment to review the effectiveness of service delivery to Travellers. The Plan states that the Council has a decentralised structure with five municipal districts. It confirms that each of these districts has procedures, processes and protocols in place for addressing issues or decisions by housing staff. It also states that

the TAO has developed protocol and practices with Housing Area Managers in the municipal districts. It confirms that they meet and liaise on a regular basis to consider and deliver outcomes on matters related to Traveller accommodation.

The Plan states that representation on the LTACC includes the TAO and senior housing management and confirms that a the LTACC has engaged in an independent equality and human rights expert to facilitate a workshop with the LTACC members.

Recording of data on funds allocated and drawdown

In relation to the recording of data, specifically on funds allocated and drawn down, the Plan sets out the Council's reporting obligations and states that the Council reviews Traveller related expenditure with the 'TASU' in DHPLG. It also states that the LTACC meeting in the last quarter of each year includes a standing agenda item on drawdown and management of funds related to Traveller accommodation.

The Plan states that procedures and mechanisms are in place both for general housing provision and costs associated with varying forms of accommodation, and also for the refurbishment of existing Traveller accommodation. The Council states that it will continue to liaise with DHPLG to drawdown and manage allocated funds to support delivery of Traveller accommodation.

Operation of new procedures pursuant to Circular 03/2020

Regarding Circular 03/2020 the Plan states that the revised funding allocations procedures is a:

"substantial, significant and very welcome change to the allocation and drawdown of funding process".

It also notes the details regarding acquisition of standard accommodation, transient accommodation and fire safety are noteworthy and positive developments. It states that the success of the new procedures will be assessed, analysed and detail in the next TAP.

Apparent hostility of some residents of halting sites towards works

In relation to the reasons why some residents of existing halting sites seem to be hostile towards works on these sites, the Plan states that the Council has significantly improved consultation processes over the past number of years both at a local level with residents and also through the LTACC sub group, engagement of mediation services and setting up interagency groups when required. The Plan refers to the successful refurbishment of a ten bay halting site and the construction of three permanent bays in a group housing scheme as indicators of success of these consultation processes.

Address Organisational Equality Arrangements including Equality Policy and Training

The Plan includes a commitment to review, develop and implement an Equal Status Policy in conjunction with various current related policies. It contains confirmation that the new TAP and allocations scheme will include an equality statement. The Plan lists the Council's current policies and strategies relating to equality.

The Public Sector Equality and Human Rights Duty

The Plan confirms that the Council's corporate plan sets out its obligations under the 2014 Act and sets out the relevant quotes from same. It also states that it has a Diversity Management Policy in place and states that it is committed to a policy of equality of opportunity in its employment practices. It states that a policy statement will be included in the new TAP.

The Plan states that the Council will provide training to raise overall awareness of the PSEHRD within the Council for designated housing staff and elected representatives. It states that it has completed a Pilot Public Sector Duty Training and that a Pilot Disability Awareness Training is ongoing among staff. It states that the Council intends to roll out this training at a broader lever after completion of the pilot training.

Recommendations

Introduction and overview

The Council's Equality Action Plan is a detailed document that reports on several actions taken since the Equality Review, notably the development and adoption of a Black and Minority Ethnic Inclusion Strategy for County Donegal 2021 – 2026 and the completion of cultural diversity training for staff.

The Plan states that it was prepared by the Housing Directorate in conjunction with the TAU and with engagement from the LTACC. It is noted that a local Traveller representative group has representation on the LTACC, however no detail is provided on what steps were taken to consult with local Traveller representative groups or what external organisations, if any, were contacted regarding the preparation of the Plan.

The Plan states that the LTACC engaged in the consultative process for the Plan, however no detail is provided on what form this consultation took, what the feedback was received from stakeholders and how it impacted on preparation and implementation of the Plan.

Clearer time bound targets related to the actions and objectives would considerably strengthen the Plan. Some of the actions contained in the Plan indicate a timeframe for completion within a particular quarter and this is welcomed by the Commission. Many of the actions, however, are stated as being “*ongoing*” or reference multiple quarters and, in the Commission's view, such timeframes are not sufficiently prescriptive and do not provide clarity on when the actions are due for completion or review.

In relation to responsibility and ownership, all of the actions are listed as being the responsibility of the Housing Directorate or the TAU, save for one action which does not list any actor as having responsibility for its implementation (1(i)(ii)). The responsibility of some of the actions are shared between either the Housing Directorate or the TAU and the Social Inclusion Unit (seven), the LTACC (eight) the Finance Directorate (two) or all Directorates (one). The Plan would benefit from further specificity in relation to the key actors responsible for each action with each section of the Council.

The Plan would benefit from a clearer review mechanism and reporting structure so that progress towards achieving the actions can be measured at regular intervals, issues

addressed as they arise, and the actions under the plan aligned with other related activities and planning within the Council.

Promote Equality of Opportunity

Improvement in accuracy of annual count/census of Traveller accommodation need and presentation of data in the TAP

The actions referenced by the Plan under this heading aim to improve the accuracy of the annual count/census of Travellers and their accommodation needs. There is a welcome commitment to using the new ethnic identifier data and enabling for multiple accommodation types to be selected. The Plan confirms that this new data will result in a more thorough and comprehensive reflection of Traveller needs.

The Plan states that the Council will use the new data to confirm relevant data on Traveller identity and to create data on types of preferable accommodation and that the additional data will inform the preparation of the TAP. It also states that reports are generated through the document management software used by the Council:

“which summarises the type of Social Housing Support that meets the identified need”.

The Plan would be strengthened by further information on how these reports inform the TAP as well as decision making and policy development within the Council.

It is positive that the Plan confirms that the additional information captured in the Social Housing Application Form is captured, reviewed and taken into consideration, and that a more detailed analysis of accommodation need will be contained in future TAPs. It is not clear, however, how this information can directly inform any decision making process within the Council. There is also a lack of detail as to how the information will influence any change in count methods and there is no methodology identified for evaluating the existing count methods.

Recognising the practical implications of Traveller ethnicity

The Commission commends the Council for its inclusion of several positive actions in relation to the practical implications of Traveller ethnicity. It is positive that the Plan reports

that cultural diversity training has been completed for staff and that this training was developed by a local Traveller representative group. The commitment to include a policy statement on Traveller ethnicity in the incoming TAP is very welcome.

The Plan reports that the Council developed and adopted a Black and Minority Ethnic Inclusion Strategy for County Donegal 2021 – 2026. It is positive that the strategy was informed by an inter-agency, cross sectoral steering group and that it aims to increase intercultural inclusion including that of the Traveller community.

It is positive that the Council is engaged in ongoing initiatives regarding the promotion and facilitation of horse ownership by Travellers including the leasing of lands for this purpose. The Plan would be strengthened by further detail in relation to the referenced additional proposals for grazing on Council owned lands and the stables project which is noted to be under review, including what specific proposals are being considered, when decisions are expected to be made in relation to those proposals, and what budget is available for same.

The Social Inclusion Unit's coordination of 'One Donegal Social Inclusion Week 2023' is also very positive and welcome. It is noted that this week was aimed at promoting and increasing awareness and understanding of inclusion and diversity in the county.

While it is also positive that the Council commits to reviewing the practical implications of Traveller ethnicity in conjunction with a local representative group and the LTACC, further detailed steps in the Plan in relation to this action would strengthen the value of these commitments. The parameters and methodology of such a review are not referenced.

It is positive to note that the TAO has significant experience in the role and has built positive relationships with local Traveller families. It is welcomed that the TAO conducts a twice weekly call clinic service and also has daily consultation with a local representative group, indicating a level of accessibility of services. However, there is no indication that there was any engagement with Travellers or local representative groups as to the efficacy of these practices and whether any feedback from this engagement informed the proposed actions in the Plan.

While it is positive that the Plan references a project the Council undertook aimed at improving relations between Travellers and the settled community ('Respecting & Connecting Communities – Building Positive Relations between the Traveller and Settled communities'), there is a lack of detail regarding the learnings from this project and how,

specifically, these learnings will be implemented in the TAP and other aspects of housing provision within the Council.

Traveller participation in estate management

The Commission commends the Council in the establishment of LTACC sub groups and, through the LTACC, several Tenant Participation Programmes. The positive outcomes that resulted from some of these programmes is noted and welcome. It is also welcome that the Council has committed to developing best practice guidelines in relation to tenant participation by Q2 of 2024. These developments are most welcome particularly as they are developed in conjunction with the LTACC.

The Plan would benefit from the identification of a specific staff member with responsibility for the development, implementation and oversight of the development of the best practice guidelines in relation to tenant participation to ensure commitment and ownership of the project.

Provision of appropriate and accessible homeless services

It is noted that the Council has recently adopted the Homeless Action Plan for the North West Region 2023 to 2028 which was developed in consultation with various stakeholders including advocacy groups. It is noted that as part of the feedback of the consultative aspect of the Homeless Action Plan, respondents indicated a lack of culturally-appropriate accommodation options and housing support services in the area for Travellers, Roma and other ethnic minorities. The Homeless Action Plan also includes some positive actions, including:

- › Work with the LTACCs to consider and put in place any additional supports which are required at a local level to assist young Travellers who are at risk of experiencing homelessness;
- › Establish further dedicated homeless accommodation for young people which promotes an inclusive ethos including for LGBTQ and Traveller community and has designated spaces that allow for visits from family members of residents; and
- › Future Traveller Accommodation Programmes (TAPs) to include specific actions to address youth homelessness.

The Plan would benefit from setting out the learnings in relation to Traveller homelessness from this Homeless Action Plan and from clearly indicating the actions recommended by the Plan with a commitment to implementing same.

It is noted that the Plan sets out the various emergency accommodation options offered to Travellers who present as homeless. It is welcome that there is one option that is culturally appropriate.

The Commission welcomes the Council's engagement with external service providers and local Traveller representative group regarding families experiencing homelessness. It is also positive that the Council continues to liaise with the TASU regarding best practice, however, further detail on the learnings and best practice guidance received to date that informs the actions included would benefit the Plan.

Travellers who are nomadic

It is noted that there was no identified need for a transient site in Donegal in a previous review, and while it is welcome that the Council commits to a further review through engagement with the Traveller community, other local authorities and the DHPLG, there is a lack of detail regarding the clear actionable steps the Council intends to take as part of this review.

Caravan Loan Scheme

The Commission notes the low uptake reported on of the pilot Caravan Loan Scheme such that only two applications have been received. The Commission welcomes the promotion of the Scheme through the local representative group and the LTACC. It is also noted that the Council is awaiting the review by the DHPLG before any evaluation of the Scheme may be conducted.

Introduction of the ethnicity identifier

The Commission welcomes the commitment in the Plan to ensure that social housing applicants are made aware of the new ethnicity identifier. The Plan does not acknowledge the possibility of any hesitance or reluctance in providing such information on Social Housing Application Forms with reference to the sensitivity of the data being collected.

The Plan would benefit from actions promoting engagement with local Traveller representative groups to assess any difficulties of data collection and to implement any necessary actions to encourage the use of the identifier in an informed and sensitive manner.

It is positive that the Plan contains a commitment of the Council to use the data to inform the preparation of the TAP and the annual estimate, however, in the Commission's view, the Plan would be strengthened by further detailed actions to inform Travellers what use the additional data will be put to.

Further clarity with respect of the use of this data would strengthen the Plan, to ensure it is used to inform policy and decision making in the provision of housing and services by the Council. Further detail would also be beneficial in relation to how the data will be used to apply for 'appropriate funding' from DHPLG.

Mainstreaming core principles of inclusivity and non-discrimination

The Plan reiterates the experience and functions of the TAO in relation to this action and commits to increasing awareness of the telephone clinic by issuing details of the service to all Traveller families in the county. It is unclear if any feedback was received from local Traveller representative groups or from Travellers in the Donegal area as to the efficacy of these current practices and whether any additional actions or steps could be implemented by the Council to improve the accessibility of its services to Travellers to encourage Traveller engagement. The commitment contained in the Plan to a review staffing of the TAO and the effectiveness of service delivery to Travellers is welcome, however these actions would benefit from a commitment to engage with local Traveller representative groups and the LTACC regarding the effectiveness of the current practices and whether any further initiatives could improve inclusivity and non-discrimination in the Council's delivery of services to Travellers.

It is also noted that the TAO provides support to the Housing Area Managers in the municipal districts, however, it is not clear what level of consultation with Traveller representative groups was conducted in relation to the operation of the current procedures, processes and protocols in place.

The consultative role of the LTACC is welcome, noting that it has a consultative role in relation to operation of some of the actions in the Plan and is listed as an actor with shared responsibility for the implementation of eight of the total actions.

It is noted that the LTACC consists of the TAO, senior management staff and members of a local Traveller representative group and it is welcome that an independent equality and human rights expert was engaged to facilitate a workshop with the LTACC members. The Plan would benefit from further detail as to how the findings of this workshop impacted on the identification of actions contained in the Plan and on the implementation of the Plan.

Recording of data on funds allocated and drawdown

The Plan sets out the Council's reporting obligations in relation to allocated and drawdown funds. It is noted that the last LTACC meeting of each year includes a standing agenda on drawdown and management of funds, however, it is not clear what the purpose of this agenda item is or what actions can be implemented by the LTACC on foot of this agenda item.

The Plan states that various mechanisms and procedures are in place for recording and reporting of drawdown and allocation of funds for refurbishment of existing Traveller accommodation and that the Council will continue to liaise with DHPLG regarding drawdown to support delivery of Traveller accommodation. It is not clear how such data is accessible and available, and how it influences delivery of Traveller specific accommodation.

Operation of new procedures pursuant to Circular 03/2020

It is noted that the Plan indicates a commitment to assess, analyse and detail the success of the improved allocation and drawdown of funding processes contained in this Circular. This inclusion is welcome and the Commission notes the importance, in such a review, of a coherent methodology for such a review, including how the Council intends to measure the effectiveness of the new system and address any issues arising as was suggested in the invitation to prepare and implement the Plan.

Apparent hostility of some residents of halting sites towards works

It is very welcome to note that the Council has significantly improved its consultation processes over the past number of years through direct contact with local residents and

through the LTACC sub group, engagement of mediation services and setting up interagency groups.

Organisational Equality Arrangements including Equality Policy and Training

The Commission commends the commitment to include an equality statement in the forthcoming TAP and in the Allocations Scheme.

The Commission also welcomes the Council's commitment to review, develop and implement an Equal Status Policy, however it would be beneficial if this action indicated an intention to consult with external experts or representative groups in the development of this policy.

It is positive that Council staff have completed cultural diversity training which was developed by a local Traveller representative group.

Public Sector Equality and Human Rights Duty

The PSEHRD contained in Section 42 of 2014 Act requires all public bodies in the State to eliminate discrimination, promote equality, and protect the human rights of their staff, customers, service users and everyone affected by their policies and plans.

Compliance with the PSEHRD requires a public body to carry out a three step process to meet the statutory obligations

1. **Assess:** to carry out an assessment of the equality and human rights issues relevant to their functions and purpose;
2. **Address:** develop policies, plans and actions to address issues raised in the assessment;
3. **Report:** report annually on progress and achievements in relation to identified policies, plans and actions.

A public body is required to publish its human rights and equality assessment, and the policies, plans and actions in place or proposed to be put in place to address the issues

identified in that assessment, in a manner that is accessible to the public in its strategic plan/corporate plan.

The PSEHRD is an ongoing obligation and to ensure compliance with the duty on an ongoing basis a public body must before reviewing, developing or adopting a plan, policy, strategy, strategy, programme or service and making a key decision public bodies would have regard to the PSEHRD.

The Plan does not demonstrate that the Council has had full and due regard to the PSEHRD. There is no clear evidence of consideration of the PSEHRD in the Plan. It is noted that the Plan was prepared by the housing directorate and the TAU in conjunction with the LTACC which has representatives from three Traveller organisations in the county. It is not clear if direct engagement with Travellers or Traveller organisations took place as part of the development of the Plan.

While it is positive that the Plan references the 'Black and Minority Ethnic Inclusion Strategy' which is aligned to some of the actions within the Plan, many actions in the Plan are not aligned to or referenced to an assessment of equality and human rights issues in Donegal or in consultation with Travellers or Traveller organisations in relation to Traveller Accommodation. These issues may be identified pursuant to an assessment process carried out by the Council as part of its wider PSEHRD implementation or specific to the TAP. There is, however, no reference in the Plan to such implementation of the PSEHRD.

The Plan does not include a commitment to carry out an assessment of equality and human rights issues in consultation with Travellers or Traveller representative groups. As such, the actions and objectives of the Plan are not clearly linked to evidence-based issues impacting on Traveller access, engagement with and availing of the services of the Council.

In the view of the Commission, the Plan should be informed by equality and human rights issues that are or may be experienced by Travellers regarding access to, engaging with and availing of the services of the Council, with specific focus on Traveller accommodation. The actions outlined in the Plan are not aligned to or referenced to an assessment of equality and human rights issues or in consultation with Travellers or Traveller representative groups. Such engagement is a key starting point to overall compliance with the PSEHRD.

The Commission welcomes the action in the Plan to provide training to raise awareness of the PSEHRD for designated housing staff and for elected representatives. It is positive that the Council has completed a Pilot Public Sector Duty Training and currently has a Pilot Disability Awareness Training ongoing among staff.

It is also noted that the Council commits to including a policy statement in the TAP, however further detail on how the application of the PSEHRD to the TAP and decision making regarding housing allocations would be beneficial.

Conclusion

The Council's engagement in preparing the Equality Action Plan is to be commended and the Commission is conscious of the considerable time and resources committed to completing same.

The Commission welcomes the LTACC's engagement in the preparation of the Plan. Overall, the Plan would benefit from further detail on any direct engagement with key stakeholders, including Traveller representative groups, on its preparation and implementation. Consultation and engagement with Travellers and representative groups is a crucial element to any Equality Action Plan that is to impactful and relevant.

The Commission welcomes the Council's considered actions, in particular the more specific actions with respect of Traveller ethnicity, including for example, the ongoing initiatives regarding the promotion and facilitation of horse ownership, Tenant Participation Programmes that have been implemented, and the commitment to produce best practice guidelines in relation to tenant participation.

The Commission would welcome greater specificity in respect of many of the actions, their intended timeframes, and how it is anticipated they will be funded and resourced, and a clearer indication of which staff member or team is leading on each of the actions.

Appendix 1

- a. Please clarify the steps taken to date, or planned, where appropriate in coordination with any national bodies (such as the Department of Housing, the Programme Board, and the National Traveller Accommodation Authority (the 'NTACC')), to improve the accuracy of the annual count/census of Traveller accommodation needs in the functional area of the Council, including steps:
 - i. to evaluate the existing methods used for the count/census in consultation with members of the Traveller community and representative groups, and action findings of this evaluation including on accuracy and efficacy of current methods;
 - ii. to improve the quality and accuracy of the count/census of Traveller accommodation needs, where appropriate in coordination with national bodies and other local authorities;
 - iii. to enable accurate capturing of multiple accommodation preferences of members of the Traveller community within the Council's functional area;
 - iv. to ensure that any additional and relevant information that will impact on accommodation planning and/or delivery is properly captured in the count/census, including new family formations; and
 - v. to implement processes for that information to directly influence decisions and policy on Traveller accommodation provision by the Council.
- b. Please clarify the steps taken to date, or planned, to address the manner in which data is presented - specifically in the Traveller Accommodation Programme (the 'TAP') and related progress reports - to ensure their accuracy and completeness, in particular ensuring they include the following:
 - i. a breakdown, by accommodation type, of current accommodation status of Travellers in the functional area of the Council, where appropriate linked to above action (a);
 - ii. details of the specific accommodation needs and preferences of Travellers in the functional area of the Council; and
 - iii. details of how these accommodation needs are to be met through the TAP and related processes, with assignment of roles to relevant stakeholders responsible for delivering on the TAP.

- c. Please clarify the steps taken to date, or planned, to recognise and promote the practical implications of Traveller ethnicity, to ensure respect for Traveller culture and identity in the provision of housing services, including standard housing, and to sustain integrated and diverse communities, to include:
- i. consultation with the relevant community and representative groups on the practical implications of Traveller ethnicity and the identification of priorities of Travellers within the functional area of the Council;
 - ii. where identified as needed by the affected community, the promotion and facilitation of horse-ownership by members of the Traveller community residing in the functional area of the Council and availing of social housing support;
 - iii. where identified as needed by the affected community, the promotion of family cohesion and connection with extended family in the provision of housing to members of the Traveller community residing in the functional area of the Council;
 - iv. responses to the other needs of members of the Traveller community to promote and foster respect for Traveller culture; and
 - v. engagement with Traveller and non-Traveller communities with the overall aim of fostering positive community relations.
- d. Please clarify the steps taken to date, or planned, regarding Traveller participation in estate management and development of the Council's function regarding estate management for Traveller accommodation, including:
- i. consultation with Travellers within the functional area of the Council and their participation in relation to estate management functions and responses of the Council, including details of ongoing tenant participation initiatives and maintenance programmes on Traveller-specific sites; and
 - ii. evaluation of any pilot tenant participation projects at Traveller sites in the Council's functional area and learnings and actions from such evaluations;
- e. Please clarify the steps taken to date, or planned, regarding culturally-specific responses to the needs of Travellers experiencing homelessness, including:
- i. the provision of culturally appropriate homeless accommodation to members of the Traveller community who are experiencing homelessness, that responds to the preferences and needs of this group by, for example,

- providing accommodation that takes proper account of family size and reliance on family networks for support;
 - ii. the provision of specific supports for members of the Traveller community who are at risk of, or experiencing homelessness, ensuring that such supports are accessible and responsive to their needs, and that they take account of digital and literacy challenges faced by some members of the Traveller community; and
 - iii. the coordination and alignment of any actions and plans regarding homeless accommodation provision to members of the Traveller community with any national bodies (including, for example, the Programme Board and the Department of Housing's Traveller Accommodation Support Unit), thereby taking account of best practice developed at that level and making use of financial and research supports to inform appropriate actions.
- f. Please clarify the steps taken to date, or planned, responding to the needs of Travellers who are nomadic within and through the county through the provision of transient halting site bays as required, including:
- i. engagement with members of the Traveller community within the functional area of the Council through the mid-term TAP review and/or other processes to ascertain their true preferences with regard to transient halting sites and specifying actions to be taken pursuant to such engagement;
 - ii. engagement, where appropriate with other local authorities for a coordinated approach to provision of transient sites in the region, and identification of locations for transient sites; and
 - iii. cooperation and coordination with national bodies (including, for example, the Programme Board, the Housing Agency and the Department of Housing) in relation to provision of a network of transient halting sites.
- g. Please clarify the steps taken to date, or planned, regarding availability and accessibility of any Caravan Loan Scheme, including details of:
- i. the current status and form of any Caravan Loan Scheme;
 - ii. expenditure under any scheme;
 - iii. the number of applicants to any scheme, the number of applications that were successful, and the number of applicants who have in fact, been in receipt of a caravan pursuant to any scheme;

- iv. details of the communication of any scheme (pilot or otherwise), to members of the Traveller community within the functional area of the Council in an accessible manner;
 - v. the funding arrangements for any scheme;
 - vi. any consideration of the demand, need and functionality of any scheme in the course of the mid-term TAP review and related amendments to the TAP on foot of that consideration; and
 - vii. the evaluation tools and reporting mechanisms that apply to the effectiveness of any scheme.
- h. Please clarify the steps taken to date, or planned, to respond to the introduction of the ethnicity identifier in the application form for social housing support, including:
- i. informing members of the Traveller community of the option to self-identify in the social housing application form;
 - ii. collection and analysis of this data by the Council; and
 - iii. use of the data to strengthen and inform decision-making including in relation to spending on provision of Traveller-specific accommodation and related services.
- i. Please clarify the steps taken to date, or planned, to introduce new or updated practices to mainstream core principles of inclusivity and non-discrimination in the Council's engagement with members of the Traveller community on housing issues, including to:
- i. evaluate the effectiveness of the appointment of a Traveller Accommodation Officer and respond to any findings of that evaluation;
 - ii. enhance the accessibility of service provision to members of the Traveller community, for example by way of drop-in clinics and facilitating and supporting access to online services where required, ensuring that such supports are accessible and responsive to their needs, and take account of digital and literacy challenges faced by some members of the Traveller community;
 - iii. improve the awareness among the Traveller community of any weekly phone clinics by the Traveller Liaison Officer and other services;
 - iv. evaluate the effectiveness of the appointment of any Traveller Liaison Officer and the effectiveness of any other staff engaged in supporting Travellers with respect of housing issues; and

- v. provide feedback mechanisms to allow for issues arising in the course of the day to day work of staff engaged in supporting Travellers with respect of housing issues, including any Traveller Accommodation Officer, to be considered and responded to within the Council;
- j. Please clarify the steps taken to date, or planned, regarding the recording of data specifically on funds allocated and drawn down, including:
 - i. clear and transparent recording of data on funds allocated and drawn down for Traveller-specific accommodation, and separately for those for general accommodation for all housing applicants;
 - ii. implementing procedures that enable the Council to take account of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the varying costs of different forms of accommodation; and
 - iii. recording and reporting on the draw down and allocation of funding for the refurbishment of existing Traveller-specific accommodation, i.e. separate to the general draw down and allocation of funds for new Traveller-specific accommodation and separate to the funding from general housing funds for provision of housing to members of the Traveller community.
- k. Please clarify the steps taken to date, or planned, to assess and analyse the operation of new procedures set out in Circular 03/2020 (from the Department of Housing) on the rate of draw down of funding for Traveller-specific accommodation, including to measure the effectiveness of the new system for 2022, 2023 and beyond, and addressing any issues arising.
- l. Please clarify the steps taken to date, or planned, to determine the reasons why the residents of existing halting sites seem to be hostile towards planned works on these sites and any steps taken to prevent any future hostility, including to:
 - i. improve consultation processes;
 - ii. engage of an independent body where appropriate;
 - iii. implement new processes to respond to the findings of any consultation and/or evaluation and address issues arising;
- m. Having regard to the Equality Review and related recommendations, the Council is in particular invited to clarify the steps taken to date, or planned, regarding:

- i. the development and implementation of its equal status policy and related training;
- ii. the inclusion of an equality statement in the TAP;
- iii. the inclusion of an equality statement in the Allocations Scheme; and
- iv. the development and implementation of additional Council equality policies, if any.

With regard to the Equality Review and related recommendations, the Council is in particular invited to clarify the steps taken to date, or planned, to:

- i. have regard to the need to eliminate discrimination, promote equality of opportunity and to protect the human rights of its staff and the persons to whom it provides services in any review or preparation of the TAP, as required under section 42(1);
- ii. have regard to the need to eliminate discrimination, promote equality of opportunity and to protect the human rights of its staff and the persons to whom it provides services in the assessments of housing applications and allocations, as required under section 42(1); and
- iii. have regard to the need to eliminate discrimination, promote equality of opportunity and to protect the human rights of its staff and the persons to whom it provides services in homeless assessments and allocations, as required under section 42(1)



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