

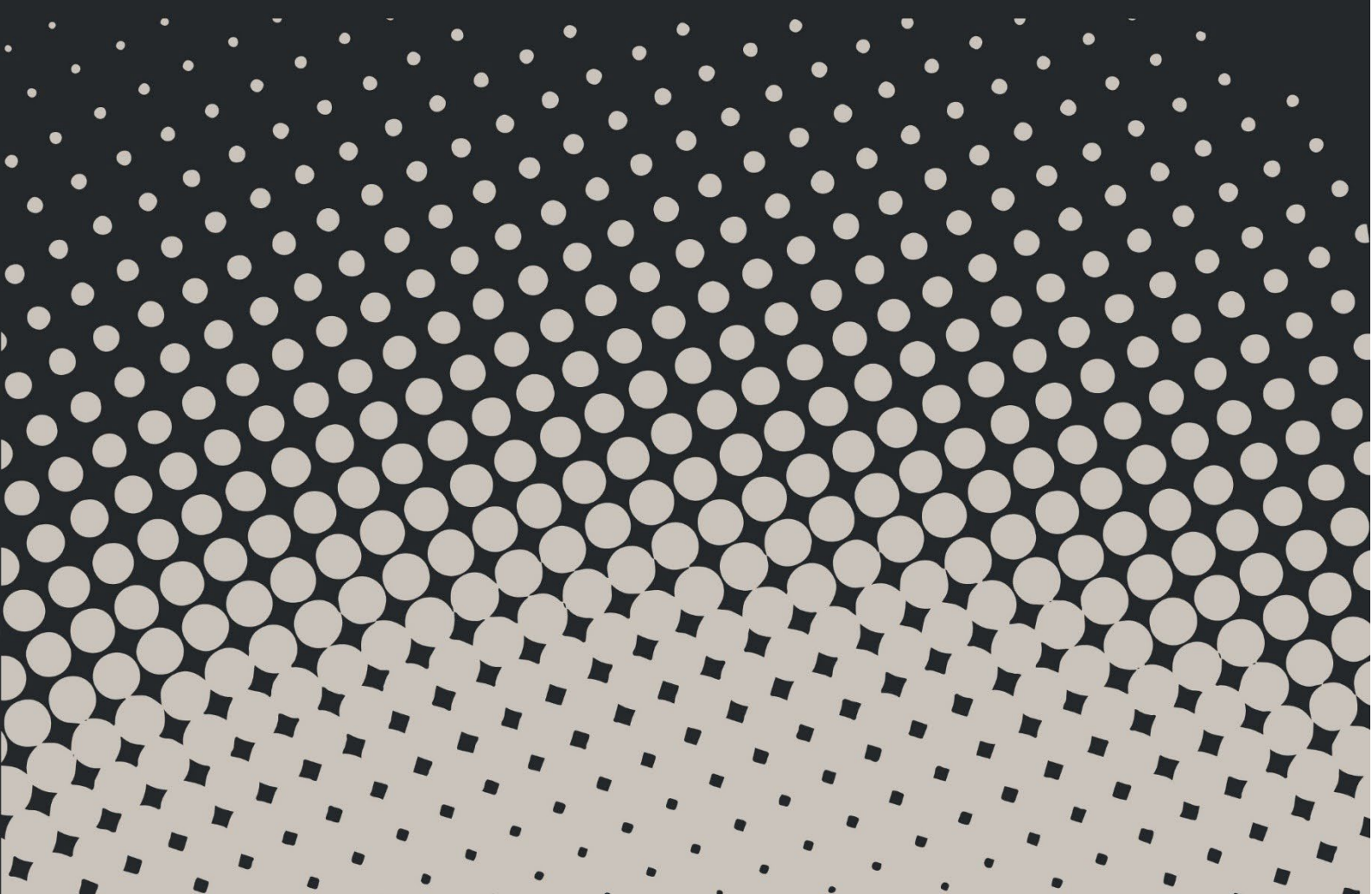


Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas  
Irish Human Rights and Equality Commission

# An Account of the Equality Action Plan prepared by Mayo 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.

# Contents

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Glossary.....2

Introduction .....3

Summary of Actions identified in the Plan.....4

Recommendations ..... 11

Conclusion .....22

Appendix 1 .....23

## 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 |
| Cena:                | The Traveller-led Voluntary Accommodation Association (TVAA)   |
| DHPLG:               | Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020  |
| HSE:                 | Health Service Executive   |
| LGMA:                | Local Government Management Agency   |
| LTACC:               | Local Traveller Accommodation Consultative Committee   |
| NTACC:               | National 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

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In June 2019, Mayo 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

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The Council has divided its framework for the Plan into three objectives. The goals and timelines identified for each section are set out below.

### Engagement and partnership in planning

The Plan sets out that the specific goal for engagement and partnership in planning is to:

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“maintain open lines of communication with all stakeholders at all stages of planning processes in order to recognise and establish the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers”.

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The Plan states that the Council aims to achieve sustainable initiatives and indicates a commitment to work towards promoting equality and sustainability in housing through ongoing dialogue and collaboration.

The Plan recognises the engagement with Mayo Traveller Support Group over the last 21 years and states that it is looking forward to welcoming new Traveller representation to various consultative processes. The Plan acknowledges the need for the Council to engage in considerable consultation in the preparation of an action plan and states that the Council has sought out as many stakeholders as possible in the preparation of the Plan.

The Plan sets out various specific equality actions which it states underscores its:

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“commitment to fostering meaningful relationships with key stakeholders and leveraging collective enterprise and resources for the benefit of all”.

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As part of these actions, the Plan states that the Council will continue to stand against disrespect shown for Traveller culture and identity in sustaining integrated and diverse communities. The Plan states that the Council will continue to aim to meet/exceed the targets set out in the TAP and continue to liaise with DHPLG on funding for units in excess of TAP projections. It confirms that progress in meeting these targets in each five-year plan is tracked. The Plan states that the Council also aims to align with new government guidelines and to implement changes to enhance performance in recording, reporting and meeting accommodation targets.

The Plan notes the recent and ongoing lack of Traveller representation in the county that has resulted from the closure of Mayo Traveller Support Group. In response, the Plan contains a commitment to evaluating the impact on the Council in terms of advocacy and support in services and representation at decision making structures.

The Plan contains a commitment for the Council to continue to engage with Cena and other AHBs on accommodation priorities identified by Travellers. It states that the Council will also continue to liaise with HSE and national Traveller representative groups to promote representation of the Traveller community in the LTACC and in Council programmes and services. The Plan also states that the Council will continue to engage with members of the Traveller community through the Traveller Accommodation Officer (TAO) the Traveller Liaison Officer (TLO) and two dedicated social workers through regular clinics and outreach. The Plan states that the Council will engage with DHPLG on funding for additional human resources.

The Plan states that the Council will continue to ensure all services are accessible and responsive to Traveller needs. The Plan contains a commitment for the Council to improve awareness of the weekly clinics and other outreach services and ensure contact options are well promoted.

The Plan states that the Council will consider the need for new staff feedback mechanisms to bring evidence of day-to-day accommodation issues to decision makers for consideration and response.

The Plan states that the Council will continue to consider the practical implications of Traveller ethnicity in provision of housing services at regular LTACC meetings and take further steps to identify the priority of Travellers to ensure respect to culture and identity.

In relation to estate management, the Plan contains a commitment to:

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“update estate management policy and caretaker ratio and roles as required in accordance with the forthcoming Housing Agency research and DHLGH guidelines”.

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The Plan also contains a commitment to continue to encourage and facilitate:

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“increased Traveller participation and enhanced equality in Council/tenant relationships and in estate management on a case-by-case basis and take action where recommended”.

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The Plan states that it will:

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“consider best practice for participation, consultation and engagement by Travellers in relation to estate management functions and responses to the Council for each halting site, group scheme and Traveller-specific accommodation”

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Regarding the needs of Travellers who are homeless, the Plan states that the Council will update the current “*case-by-case*” policy as required under any new recommendations by DHPLG and continue to assess Travellers who present as homeless on a case-by-case basis:

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“where possible taking into account culturally specific requirements and individual requests.”

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Regarding the needs of Travellers who are nomadic, the Plan states that the Council will continue to engage and coordinate with regional and national developments, and awaits national and all-island guidance for a coordinated approach.

In relation to a Caravan Loan Scheme, the Plan states that the Council will engage with DHPLG on the forthcoming national scheme and commits to promoting same.

To promote Traveller representation on the LTACC, the Plan states that the Council will continue its “respectful, supportive leadership”, seek new LTACC members according to membership criteria, and continue:

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“provision of opportunities for Traveller-led cultural competency training for new counsellors and members of the LTACC.”

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The Plan also states that the Council will continue to promote Traveller representation on various groups including the Housing Strategic Policy Committee, Housing Steering Group in relation to Disability, Age Friendly Homes Initiative.

## **Organisational equality**

The Plan states that the specific goal for organisational equality is to:

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“continue to promote equality and sustainability within the Council and the Traveller accommodation services we provide.”

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The Plan states the Council's commitment to continue to deliver its services in accordance with statutory obligations and, in doing so, ensures that its actions and decisions are:

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"guided by principles of fairness, non-discrimination, and human rights."

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In its specific equality actions, the Plan states that the Council will assess equality and human rights issues in its strategic plans based on consultation and evidence. The Plan also contains a commitment for the Council to set out policies, plans and actions to analyse and prioritise human rights and equality issues. In this regard, the Plan states that specialist support is sought from IHREC and the LGMA.

The Plan contains a commitment for the Council to introduce a cycle of equality and diversity training for staff. It states that the Council will establish a cross departmental working group with the aim of preparing a public sector duty implementation strategy for incorporation in the corporate plan. The Plan also contains a commitment for the Council to introduce a cycle of cultural competency and equality training as required.

The Plan states that the Council will conduct regular staff equality appraisals for all staff engaged in services supporting Traveller accommodation needs.

he Plan states that the Council will continue to monitor equality actions through Mayo County Council Equality Action Committee. It is noted that this committee has not been active for a period but the Plan states that it is:

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"anticipated that it will be more proactive in future".

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In the invitation to complete the Plan, the Council was asked to address the 'local connection' wording in the TAP, to ensure that there is no discrimination faced by Travellers when accessing social housing supports as compared to the wider community. However, this issue was not addressed by the Council in the Plan.

The Plan includes a commitment by the Council to including an equality statement in the next TAP and Allocations Scheme. It also states that the Council will continue to take an evidence based approach in complying with its statutory obligations, including the public sector equality and human rights duty ('PSEHRD'). In this regard, the Plan includes a commitment for the Council to continue to review implementation of such statutory obligations:

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“to identify any barriers or discriminatory practices that hinder equal access to Traveller-specific accommodation”.

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In relation to the TAP, the Plan states that the Council will:

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“continue to enhance evidence-base in order to identify and prioritise the equality and human rights issues relevant to the TAP”.

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The Plan sets out similar actions in relation to the Allocations Scheme and homeless assessments and allocations.

The Plan states that in conducting a new cycle of research and engagement in advance of the next TAP the Council:

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“will conduct equality proofing and ensure that social housing policy for members of the Traveller community aligns with Mayo Housing Allocation Scheme and the Social Housing Assessment Regulations 2011”.

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The Plan also states that the Council will review and update policies based on improved collection and analysis of equality data in relation to the Allocations Scheme and will continue to review and update policies, procedures and practices to identify any biases or barriers regarding homeless housing applications and allocations.

The Plan states that the Council will continue to ensure that complaints are handled promptly, impartially and in accordance with policies and procedures, and will promote effective and accessible mechanisms for individuals to raise complaints.

Regarding the PSEHRD, the Plan states that the Council will continue to take “an evidence-based approach” in complying with its duty and also states that the Council will continue to collaborate with IHREC.

The Plan states that the Council will:

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“continue to partner with local stakeholders and Traveller support groups to seek guidance and share knowledge”.

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## **Data collection and presentation**

The Plan sets out the specific goal for data collection and presentation as to:

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“fulfil Council and DHLGH requirements for accurate and comparable housing and funding data while protecting individual rights to privacy and data protection”.

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The expected outcome is stated by in the Plan to be that:

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“Council and DHLGH requirements for accurate and comparable housing and funding data are achieved and in line with data protection requirements”.

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The Plan notes that some of the actions are outside the remit of the Council and recommends:

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“a coordinated national lead”.

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In its specific equality actions, the Plan states that the Council will bring the following recommendations to the national level:

- › To broaden the scope of the Annual Count or for a national audit of Traveller accommodation needs and preferences;
- › To consider a national audit of Traveller family formation and future-facing accommodation needs and preferences;
- › To develop of a robust, transparent and comparable national data collection methodology for the Annual Count;
- › For a national tool and guidelines, to implement a robust system for collecting and recording data on funding allocations and drawdowns for all forms of accommodation, with data disaggregated to include Traveller specific accommodation, Travellers in standard accommodation and refurbishment of Traveller specific accommodation to enable comparative cost analysis, transparency and accountability; and
- › To simplify and streamline the social housing support application so that applicants can enter “true and progressive preferences in one application”.

The Plan states that the LTACC will consider any new requirements for data analysis, disaggregation or data presentation needs to be used in conjunction with existing data collection for the purpose of publication the TAP and progress reports.

The Plan reiterates that the Council will evaluate the impact on the Council of recent and ongoing lack of Traveller representation in Mayo.

The Plan states that the Council will clearly communicate current processes for inclusion of stakeholders and flow of information to ensure new information can directly influence decisions and policy regarding the provision of Traveller Accommodation.

The Plan contains a commitment for the Council to perform a comparative cost analysis to identify and compare all expenses associated with accommodation for Travellers. It states that the Council will consider the effectiveness of Circular 03/30 in reducing delays in allocating and dispersing funding for Traveller Accommodation.

In relation to self-identification of ethnicity, the Plan states that the Council will follow DHPLG guidelines on promotion and analysis of this information on the social housing application.

The Plan notes that:

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“some housing applicants provide so many limitations and preferences that accommodation solutions can be seriously delayed or outside Council capacity in the foreseeable future”.

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The Plan notes that offers of accommodation are made verbally to Travellers to:

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“reduce the number of documented reasonable offers a case receives, and therefore increase the choice available and speed up the allocations process for Traveller applicants”.

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In this regard, the Plan states that the Council will introduce a:

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“solution for any anomalies arising in housing allocation data due to the practice of making verbal reasonable offers of housing in order to prevent the ‘only 2 reasonable offers per annum rule’ being implemented”.

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In its concluding remark, the Plan states that the Council will be liaising with DHPLG in relation to resourcing the Traveller Accommodation Unit with a new role. This new role is not specified but is stated to be to ease the burden on existing staff due to the increased data collection, information management and analysis, benchmarking and reporting. The Plan also states that the Council’s:

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“evidence-base points to smaller urban family units and a reduction in nomadism”.

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# Recommendations

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## Introduction and overview

The Council's Equality Action Plan is structured in terms of a framework with three objectives:

1. Engagement and partnership in planning;
2. Organisational equality; and
3. Data collection, transparency and protection.

Under each of these objectives, the Plan identifies various specific equality actions and objectives. A number of positive actions and objectives are identified including a commitment to introduce a cycle of equality and diversity training for staff, and to establish a cross departmental working group to implement a public sector duty strategy in the corporate plan. It also commits to including an equality statement in the next TAP and in the Allocations Scheme.

Many of the actions specified constitute a commitment to continue carrying out the current actions of the Council. Of the 17 actions specified under the heading 'Engagement and partnership in planning' 13 of these relate to current practices of the Council including in relation to various areas of concern raised in the Equality Review process, for example, the practical implications of Traveller ethnicity, promotion of Traveller participation and representation, Traveller homelessness and the needs of Travellers who are nomadic.

Throughout the remaining actions there is a lack of specificity and a lack of clear, actionable steps. For example, the Plan states that the Council will consider the need for new staff feedback mechanisms to ensure evidence of day-to-day accommodation issues is brought to the attention of decisions makers for consideration of response. While it is positive to have a commitment that the Council will consider such important issues, the absence of any specifics as to what mechanisms will be considered and the lack of commitment to implementing any new mechanisms is of concern.

There is also a commitment to updating various policies in line with national guidelines and recommendations, including estate management policies and homelessness. However there is no detail as to what updates will be included or what changes to practice may result from such changes.

The Plan also includes a commitment for the Council to engage with the DHPLG on funding for “additional human resources”. However, no detail is provided on what additional resources are required in this regard. It is noted that the Plan states that the Council currently engages with Travellers through one Traveller Accommodation Officer, one Traveller Liaison Officer and two dedicated Social Workers. However there is no indication of any feedback from Travellers or a Traveller representative organisation with regard to how these engagements currently operate and whether there is any need for additional human resources. The likely impact of this action is therefore unclear.

Clearer time-bound targets related to the actions and objectives would considerably strengthen the Plan. While the Plan includes a column for inclusion of a timeframe, the timeframes provided are often simply “in progress” or “ongoing”. 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.

The same column that sets out timeframe also sets out the actor within the Council with responsibility for each action. The majority of the actions are listed as being the responsibility of the Housing Directorate (34 out of 44 actions). Having one Directorate responsible for such a vast majority of the actions, without any further detail as to responsibility within that department, is not conducive to ensuring ownership of key actions and ultimately ensuring their completion. The Plan would therefore benefit from further specificity in relation to the key actors responsible for each action with each section of the Council.

The Plan references the recent closure of Mayo Traveller Support Group and the resulting lack of Traveller representative group in the area. In the Plan, the Council acknowledges that the preparation of the Plan “*requires considerable consultation*” and states that they have sought out as many stakeholders as possible in the preparation of the Plan. No detail is provided on what steps were taken to consult with civil society organisations who work with Travellers in the area or what organisations, if any, were contacted regarding the preparation of the Plan. There is no detail on what form any consultation took and what the feedback from stakeholders was and how it impacted on preparation of the Plan.

Furthermore, while the Council commits to evaluating the effect the closure of Mayo Traveller Support Group has had on the Council, there is no indication that the Council plans to evaluate the effect this has had on responding to the housing needs of Traveller

families in the Council's functional area. While the Plan indicates that the lack of local representative group has resulted in increased pressure on the Council staff, it is unclear if any specific actions are currently being undertaken by Council staff to ensure their services are accessible by local Traveller families in the absence of any such representative group.

In summary, it is not clear to the Commission that the Council has engaged meaningful and participatory consultation with relevant stakeholders in preparing the Equality Action Plan and that such consultation informed the inclusion of actions designed to respond to the needs of Travellers. Without such consultation and ongoing engagement with key stakeholders, the Commission is concerned that the actions contained in the Plan are unlikely to meet the needs on the ground and it will not be sufficiently impactful.

## **Engagement and partnership in planning**

The Plan lists seventeen actions under this heading.

As stated above, these actions aim to:

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“maintain open lines of communication with all stakeholders at all stages of planning processes in order to recognise and establish the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers”.

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This section of the Plan largely sets out the current practices of the Council. Some of these ongoing practices are welcome, including the ongoing engagement with Cena, the HSE and national Traveller representative groups.

It also states that the Council will continue to engage with Travellers through the TAO and the TLO. The lack of reference to local representative groups or other civil society groups who are currently providing services to Travellers in the Mayo area is a gap that is of concern to the Commission.

Some of the actions under this section lack detail and would benefit from clear actionable steps. For example, the Plan commits to continuing to encourage and facilitate Traveller participation in estate management on a case-by-case basis, however there is no indication as to what specific steps are being taken or are planned to be taken to encourage and facilitate such participation.

The Plan also states that the Council will update caretaker ratio and roles in accordance with the forthcoming Housing Agency research, however, it is not clear what changes are anticipated in relation to the ratio and role of caretakers or what input Travellers in the Council's functional area will have in this.

The Plan states that the Council will continue to consider the practical implications of Traveller ethnicity and that it will:

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"take further steps to identify the priority of Travellers to ensure respect to culture and identity."

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No further detail is provided as to what steps are envisaged to ensure such respect. In the Commission's view, the lack of detail and commitment in relation to this action significantly undermines its value.

It is very disappointing that the Council has not engaged with the issue regarding the 'local connection' requirement in the TAP as raised in the Commission's recommendations pursuant to the Equality Review process and in the invitation to complete this Plan.

There is also a lack of any specific actions designed to ensure that related practices and decision making policies are not discriminatory in nature. While it is positive that the Council states that it will continue to promote equality and diversity across the functions of Mayo County Council, the lack of detailed steps on this aspect throughout the Plan considerably undermines the value of this commitment.

The Plan lacks any meaningful engagement with other issues raised in the invitation including the Caravan Loan Scheme and providing for the needs of Travellers who are nomadic. The Plan does not include any indication as to whether the Council currently operates a Caravan Loan Scheme, and if so, no data is provided on its implementation, including how many applications have been received by the Council, how many loans have been granted to applicants, and what the financial spend has been on the scheme. Nor is this information readily available on the Council's website. In the Equality Review process, the Council stated that there was no demand for the Caravan Loan Scheme, however the Plan contains no actions to monitor this demand into the future. The actions in relation to these important issues are limited to engaging with regional and national developments and do not include any measurable actions to be taken by the Council itself.



It is positive that the Plan identifies its commitment to continue to stand against disrespect shown for Traveller culture, however, in the Commission's view, further detail is required in the form of clear actionable steps to enable meaningful improvement to the policies and procedures of the Council. For example, the Plan commits to considering the need for new staff feedback mechanisms and ensuring all services are accessible, however these broad actions lack specificity and do not include clear steps or actions to be undertaken.

Overall, this section of the Plan is significantly lacking in detail and does not include clear actionable steps that indicate a commitment to follow through on the completion of the actions or to ensure positive impact of any actions taken. It is not clear that there was meaningful and positive engagement with local representative groups or other civil society groups who currently engage with Travellers in the Mayo area in the preparation of the Plan, and this considerably undermines the Council's commitment to achieve the objective of this section of the Plan.

## **Organisational equality**

The Plan lists fifteen actions under this heading.

As stated above, these actions aim to:

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“continue to promote equality and sustainability within the Council and the Traveller accommodation services we provide.”

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The Plan identifies some positive actions in pursuit of this aim, including the inclusion of an equality statement in its TAP, reviews of the TAP and Allocations Scheme of Letting Priorities. It also commits to the provision of equality and diversity training to staff. However, many of the specified actions are current practices and there is no indication that any feedback or engagement with Travellers as to the efficacy of these practices has informed the proposed actions. Other actions are lacking in sufficient detail.

The Commission welcomes the Council's commitment to conducting annual staff equality appraisals. This action would benefit from further detail regarding how these appraisals are envisaged to be conducted to ensure independence and whether any feedback regarding the Council's engagement with Travellers and representative groups will be sought from local representative groups as part of this process.

In the Plan, the Council commits to continuing to take an evidence based approach to its statutory obligations and to reviewing the implementation of such obligations to identify barriers or discriminatory practices. While this is a positive action, it would benefit from clear actionable steps regarding what evidence is to be obtained and through what mechanisms to inform the evidence based approach and what actionable steps are envisaged in conducting the review.

It is of concern that the Plan indicates that the Equality Action Committee has not been active for a period of time and, while it is anticipated that it will be more proactive in future, no steps are identified to ensure increased proactivity and impact of the Committee. As the Committee is charged with monitoring equality actions of the Council, in the Commission's view, it is imperative that the Committee is supported in its role by the Council.

The Commission's invitation to prepare and implement the Plan also invited the Council to address issues regarding the work of the LTACC in the Plan, including empowerment of the members of the LTACC, promotion of Traveller engagement on the LTACC and building the capacity of the LTACC.

The Plan sets out current practices in relation to this issue, including continuing supportive leadership, seeking new members according to criteria and continuing provision of Traveller-led cultural competency training for LTACC members.

While the Commission welcomes these positive actions, it notes that they lack sufficient detail or any sense of a commitment fulfilling the aims of empowerment and promoting Traveller engagement. For example, no indication is provided as to what means will be pursued to seek new members, or what specific respectful and supportive leadership actions are taken to encourage Traveller participation and to improve empowerment of the LTACC. The proposed actions do not appear to have been identified through any consultation with relevant stakeholders.

Overall, the functionality of the LTACC is not clearly established. The Commission is concerned that this is indicative of a low level of engagement of Travellers in the implementation of the Plan.

The Commission welcomes the Council's commitment to continue to promote Traveller representation on various groups including the Housing Strategic Policy Committee, Housing Steering Group in relation to Disability, Age Friendly Homes Initiative. The Plan

would benefit from further detail as to how the Council promotes Traveller representation on these groups.

It is disappointing that the Council have not committed to implementing an Equal Status Policy, however, it is noted that there is a commitment to set out policies, plans and actions to analyse and prioritise human rights and equality issues and the Commission welcomes such a commitment. The Council states its commitment to engage with IHREC and the LGMA in relation to these policies. In the Commission's view, it is important that these actions were undertaken in consultation with local representative groups or other community groups that have Traveller engagement.

It is unclear what steps are envisaged by the Council in relation to its commitment and the actions set out in relation to the Allocations Scheme and homeless assessment and allocations to:

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"enhance evidence base in order to identify and prioritise the equality and human rights issues relevant to the TAP."

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The lack of detail in relation to these actions significantly reduce their likely impact and value overall.

Similarly, it is unclear what the Council proposes will be involved in the:

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"new cycle of research and engagement in advance of TAP 2024 – 2029".

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It is stated that this research and engagement will conduct equality proofing however, there is a lack of detail and clarity here. For instance, there is no indication as to whether any external organisation will be involved in the research and engagement and what level of engagement there will be with key stakeholders including Travellers.

While it is positive that the Plan states that the Council commits to continuing to ensure complaints are handled promptly and impartially, and that the Council will promote effective and accessible mechanisms for complaints, it is not clear what steps the Council intends to take to ensure these actions are implemented. The Commission considers that the Plan would be strengthened by further detail on how these actions will provide a meaningful method of ensuring complaints are made in appropriate circumstances and that such complaints are dealt with appropriately.

## Data collection and presentation

The Plan lists twelve actions under this heading.

As stated above, these actions aim to:

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“fulfil Council and DHLGH requirements for accurate and comparable housing and funding data while protecting individual rights to privacy and data protection”.

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The Commission considers that the actions listed in this section of the Plan are lacking in detail and substantive commitment. The Plan states that the LTACC will consider any new requirements for data analysis, disaggregation or presentation needs. However there is no further detail provided on what alternative or new methods might be considered or what further consultation might be conducted to establish best practice.

The invitation to complete the Plan proposed that the Council identify specific actions in relation to improving the accuracy of the annual count/census of Traveller accommodation needs. The level of engagement by the Council with this issue is disappointing. The Plan does not set out any clear actions aimed at improving accuracy save as to raise related proposals at a national level, and for the LTACC to consider the requirement for new processes.

The Commission welcomes the Council's commitment to clearly communicate current processes ‘for inclusion of stakeholders and flow of information’. There is, however, no indication that any feedback from Travellers or civil society groups working with Travellers was sought in relation to these current processes. The Plan would benefit from further detail on whether new processes should be considered to improve the inclusion of stakeholders, including Traveller representation and participation, and to ensure efficient flow of information to influence policy and decision makers.

The Plan also identifies various areas in which the Council intends to engage with DHLPG, including in relation to the annual count, a national audit of Traveller family formation and future-facing accommodation needs and preferences, the development of robust data collection methodology, and to simplify and streamline the housing support application so that ‘true and progressive preferences’ can be provided by Travellers in one application. While such engagement at the national level is positive and may assist with consistency and best practice, the Commission is concerned that the Council has not made further commitments at a local level in relation to these important issues.

The Plan also indicates the Council's commitment to bring a recommendation to DHPLG regarding a national tool and guidelines for comparable data on funding allocations and drawdown. While such engagement may positively address issues with funding drawdown and related processes, the Plan would benefit from the identification of further actionable steps for the Council to undertake in order to improve the recording and transparency of funding drawdowns in relation to Traveller Accommodation.

The Council's commitment to using the self-identifier is a positive step towards improving the data collection and presentation. However, there is a lack of information provided in the Plan as to how this information will be used and, there is a lack of commitment to working with local representative groups to explain and promote the use of the self-identifier.

## **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. The Plan does not clearly indicate or identify the equality and human rights issues that are or may be experienced by Travellers with regard to the functions of the Council, particularly Traveller accommodation services. These 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.

The Plan does not include a commitment to carry out such an assessment 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.

With respect of the specific actions referenced in the Plan that refer to PSEHRD, the Commission welcomes the commitment in the Plan to provide equality and diversity training to staff. It is also welcome that the Plan states that the Council will set up a cross departmental working groups to prepare a PSEHRD implementation strategy which will be included in the next corporate plan. However the Plan lacks any specific, actionable steps to ensure that the Council's statutory obligation under the PSEHRD is adhered to in the provision of accommodation services to Travellers. There is also a gap in the Plan in that there are no actions referenced to ensure the application of the PSEHRD in the preparation of the TAP, the assessment of housing applications and allocations, and assessments with respect of access to homeless accommodation.



## Conclusion

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

The Commission is concerned at what appears to be a lack of consultation and engagement with Travellers in its preparation and implementation of the Equality Action Plan. This is a crucial element to any Equality Action Plan that is to be impactful and relevant.

The Equality Review process identified a number core issues of particular concern, including capturing true housing preferences of Travellers, the 'local connection' requirement in the TAP, Traveller homelessness and Traveller engagement with the Council on housing issues. The Plan has not identified specific, impactful actions to address these core issues in collaboration with local Travellers or civil society groups currently engaging with Travellers.

The Commission would welcome greater focus on the role and inclusion of the LTACC, and a renewed focus on delivering on outstanding Traveller accommodation projects with reference to reasons for past delay and learning from previous difficulties.

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



## Appendix 1

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- 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 the provision of 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;
  - v. consultation with the Traveller community regarding the composition of individual housing estates and implementation of measures to address the balances over Traveller concentration in social housing estates in a manner free from all forms of discrimination; and
  - vi. engagement with Traveller and non-Traveller communities with the overall aim of fostering positive community relations including the promotion of diversity in housing estates and communities.
- 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 consultation with Travellers within the functional area of the Council and their participation in relation to estate management functions and responses of the Council.
- 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. any engagement with members of the Traveller community within the functional area of the Council through the mid-term Traveller Accommodation Programme 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. review of the long term sustainability of transient accommodation in the Council's functional area pursuant to the TAP 2019 to 2024; and
  - iii. any 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 (the '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 address the 'local connection' wording in the TAP, to ensure that there is no discrimination when members of the Traveller community are compared to the requirements of the wider community, noting the statutory framework that applies, including:
- i. the assessment of the wording in mid-term TAP review;
  - ii. any amendments to the wording in the TAP pursuant to the mid-term TAP review and any other process; and
  - iii. the evaluation of decisions regarding social housing assessments and/or allocations to identify and address discriminatory treatment arising.
- i. 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. the collection and analysis of this data by the Council; and
  - iii. the use of the data to strengthen and inform decision-making including in relation to spending on provision of Traveller-specific accommodation and related services.
- j. Please clarify steps taken to date, or planned, to introduce new or updated practices to support members of the Traveller community in their engagement with the Council on housing issues, including to:
- i. improve the awareness among the Traveller community of the weekly phone clinics by the Traveller Liaison Officers;

- 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. provide avenues for members of the Traveller community to directly voice any concerns they may have in respect of their accommodation and any other issues; and
  - iv. arrange regular meetings between the Traveller Liaison Officers and members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
- k. 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. any 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. any 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.
- l. 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.
- m. Please clarify the steps taken to date, or planned, with regard to the work of the LTACC, including in relation to:

- i. empowering the members of the LTACC and promoting the accessibility of the LTACC;
  - ii. promoting Traveller engagement, participation and representation on the LTACC; and
  - iii. building the capacity of the LTACC and supporting its members in fulfilling their role.
- n. Having regard to the Equality Review and related recommendations, the Council is, in particular, invited to clarify steps taken or planned regarding:
  - i. the development and implementation of its equal status policy;
  - 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.
- o. 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