

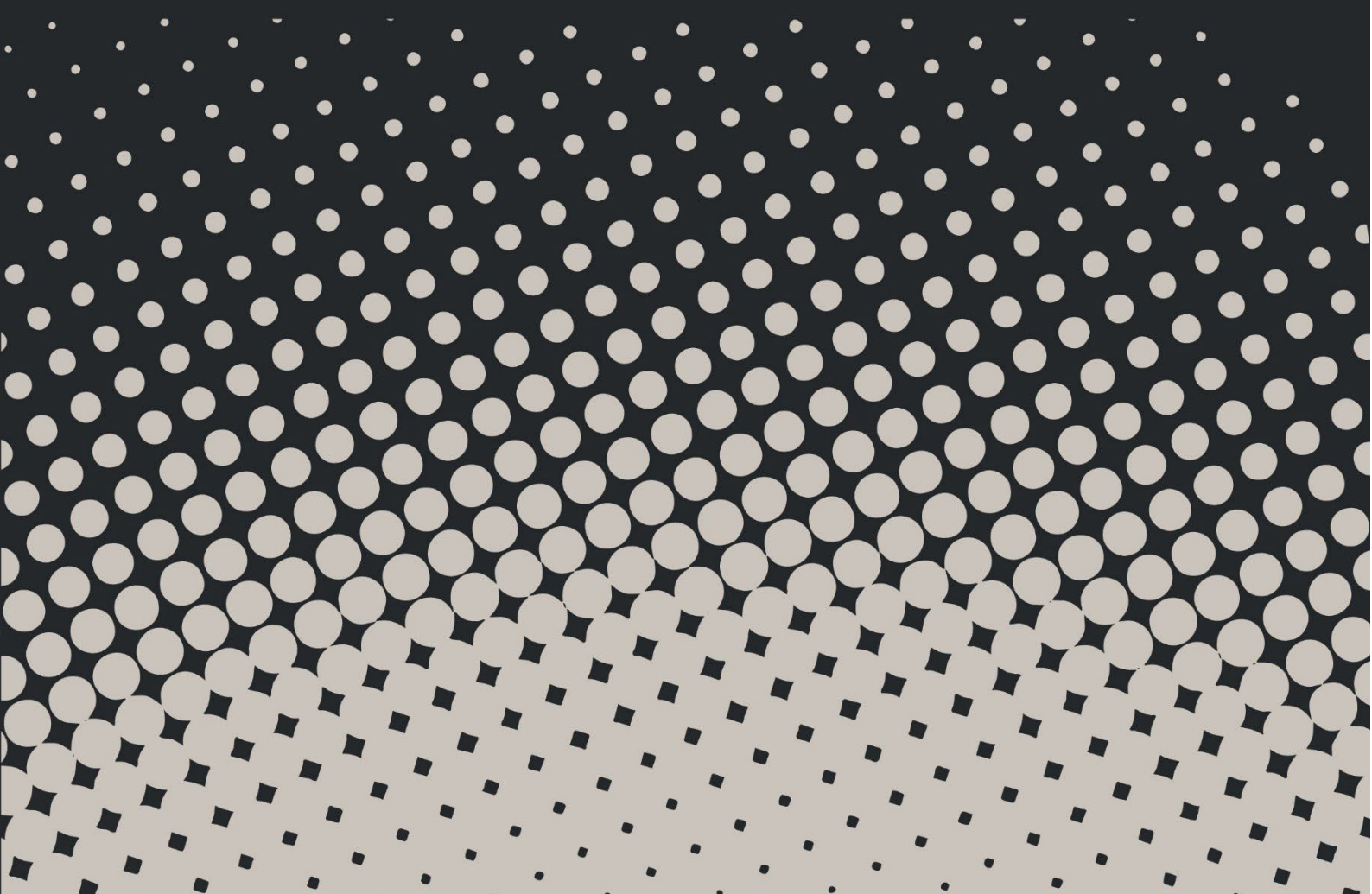


Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas  
Irish Human Rights and Equality Commission

# An Account of the Equality Action Plan prepared by South Dublin 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 Equality Action Plan .....4

Recommendations .....13

Conclusion .....24

Appendix 1 .....26

# 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
CBL:	Choice Based Lettings
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
DRHE:	Region Homeless Executive
ESA:	Equal Status Acts 2000 - 2018
HAP:	Housing Assistance Payment
Housing SPC:	Housing Strategic Policy Committee
LTACC:	Local Traveller Accommodation Consultative Committee
RAS:	Rental Accommodation Scheme
TAP:	Traveller Accommodation Program
TAU:	Traveller Accommodation Unit
TIF:	Traveller Inter-Agency Forum
TIG:	Traveller Inter-Agency Group

# Introduction

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In June 2019, South Dublin 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 December 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 (the ‘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 Plan in order to ensure that the preparation and implementation of the Plan is achievable and can deliver real results for the affected community.

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

# Summary of Actions identified in the Equality Action Plan

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## Improvement in accuracy of annual count/census of Traveller accommodation need

The Plan identifies several outcomes under this heading, including that:

- › there will be an accurate, robust and comprehensive collection of data in conjunction with Traveller community and their representatives;
- › there will be development, through the Integrated Housing System, of a report that captures the accommodation preferences of members of the Traveller community;
- › there will be a comprehensive understanding of what data can be shared with national bodies and other local authorities;
- › there will be collection and analysis of soft data about the Traveller community to complement statistical data and support the approach to “*equalities*”;
- › data will be provided in an open and innovative way to inform and influence decisions and policy; and
- › all decisions on Traveller accommodation policy will be proofed in accordance with the PSEHRD.

To achieve these broad outcomes, the Council identifies a series of actions.

With respect of capturing data, the Plan references use of the ‘Irish Traveller identifier’ on the social housing application form. The Council also references the annual census, consultation with various Council sections, accurate recording of Traveller families sharing Traveller specific accommodation, and reporting to the LTACC on the number of applicants on the housing list who identify as Travellers.

The Plan then sets out actions with respect of improving the quality and accuracy of the count/census. It plans ‘GIS interactive mapping’ of current Traveller accommodation by electoral area, including statistics on the number of families on each site. It proposes to map the locations for new Traveller accommodation as part of the TAP 2024 to 2029 process.

The Plan sets out actions to enable collection of soft data to feed into accommodation planning including through monthly Traveller clinics, and quarterly meetings with Traveller

development groups. The Council plans to submit a business case for the recruitment of Traveller accommodation worker. It also proposes to record information on ages of Travellers in the assessment of need for the forthcoming TAP.

The Plan lists the various Council plans relating to housing delivery under the actions for implementing processes to influence policy on Traveller accommodation provision.

## **Accuracy and completeness of the TAP**

The Plan identifies three outcomes in respect of the accuracy and completeness of the TAP, including:

- › to produce a report by accommodation type of the current status of Travellers in the functional area;
- › to develop a report, through the Integrated Housing System, that details the preferences of Travellers through analysis of data provided through TAP assessment of need process; and
- › to produce a detailed estimate of the number of Travellers for whom accommodation will be required and their preferences during the course of the TAP.

In order to achieve these objectives, specific actions are set out in the Plan, including:

- › to produce a breakdown on accommodation type by electoral area;
- › to develop a new questionnaire for the TAP that allows housing applicants to put their housing choice in order of preference rather than the form that best meets their needs; and
- › to ascertain the need for various forms of social housing including Traveller specific and general housing, and to assign stakeholder responsibility.

## **Promoting the practical implications of Traveller ethnicity**

The Plan identifies a number of proposed outcomes under this heading, including:

- › developing inclusive engagement structures by ensuring consultation at an early stage of service planning, piloting new consultation tools to promote engagement, and creating effective feedback processes following consultation;

- › undertaking a feasibility study to identify a suitable location where horse ownership could be incorporated into the re-development of a Traveller accommodation group housing scheme;
- › identifying future family formations through the TAP assessment of need;
- › organising, supporting and celebrating respect for Traveller culture; and
- › promoting engagement between Traveller and non-Traveller communities by promoting working for the benefit of each other and the local area.

The Plan identifies several actions to achieve these outcomes.

In respect of consultation mechanisms, it proposes establishing a Traveller residents' panel to provide a structured forum for inclusive engagement and to examine the practical implications of Traveller ethnicity. It is proposed that the panel would explore the following: horse ownership; social economy; living in a diverse community; and site and waste management.

The Plan proposes hosting a conference to trace the history of the Traveller community across Dublin through lived experience accounts.

In respect of promoting horse ownership, the Plan references the feasibility study and current support of two horse projects in Tallaght and Clondalkin.

The Plan states that the Council will pilot a choice-based letting system for allocation of new sites that will take account of family formations.

The Plan states that the Council will use its website, social media platforms, staff newsletter, and intranet to promote notable dates such as Traveller Pride Week. It also states that the Council will engage with Travellers for community events and family fun dates, and will assist Travellers to apply for grants and facilitator costs for Traveller specific cultural activities.

In a similar vein, the Plan states that the Council will host cultural events, for example, tin smithing/traditional craft demonstrations to promote Traveller folklore, and that it will promote membership with residents' associations and community initiatives.

## **Provision of appropriate and accessible homeless services**

The Plan refers to several planned outcomes in respect of addressing Traveller homelessness including implementation of the DRHE Action Plan 2022 to 2024 and



improvement of the quality and quantity of Traveller specific accommodation to reduce the risk of homelessness. The Council notes that Travellers were considered as a named vulnerable group in the Homeless Action Plan adopted by the four Dublin local authorities.

The Plan states that the Council has opened a Housing Customer Centre and staff are available from the Traveller and Homeless Units by appointment to provide supports and advice to prevent homelessness, and to assist with any digital and literacy challenges.

The Plan references a homeless prevention service in SDCC provided by Focus Ireland, which also provides support for housing applications for people with digital and/or literacy issues.

The Plan states that in conjunction with DRHE, the Council has made specific provision for larger family sizes in its stock of emergency homeless accommodation.

The Plan references various further actions in respect of homelessness, including:

- › advertising the services of the new Housing Customer Centre through a flyer to be provided to Traveller development groups;
- › providing training to Traveller development group staff on using the housing online portal; and
- › providing a multi-agency response and to work closely with the HSE's social inclusion units and the Council's Traveller specific accommodation units.

## **Provision of transient halting sites**

The Plan identifies the following outcomes to respond to the needs of Travellers who are nomadic within or through the county:

- › to undertake a consultation process on the provision of a transient site in the county through engagement with the Traveller community and three adjoining local authorities and the DHLGH;
- › to consult with other Dublin local authorities and the DHLGH with regards to national policy on provision of a network of transient sites; and
- › to cooperate with the Programme Board and the DHLGH with regards to exploring the provision of an all-island approach to provision of network of transient sites across the island of Ireland.

In the Plan, the Council sets out various actions related to achieving these outcomes.

The Plan states that the Council will appoint an independent consultant to engage with members of the Traveller community regarding the provision of a transient site in the county and to publish its findings.

The Council states that it will identify other local authorities with transient sites and will arrange for the LTACC to meet and discuss provision of same, with reference to funding of facilities for construction and associated maintenance/operational costs.

## **Provision of a Caravan Loan Scheme**

With respect of the pilot Caravan Loan Scheme as of July 2021, the Plan reports that €580,000 was approved in loans under the pilot scheme and that there were 47 applications to the pilot scheme. It states that of those 47 applications, 20 were successful based on priority of need assessment. Out of those 20 successful applications, 17 applicants proceeded with drawdown of the loan.

The Plan states that the Council participated in the national evaluation scheme and is currently awaiting the findings of the national evaluation report by the DHLGH, which will provide evaluation of the effectiveness of the Caravan Loan Scheme in its current form. It states that the national Caravan Loan Scheme is available to Travellers resident in South Dublin County Council.

The Plan states that the Council has a plain English proofed guide and application form for the Scheme. It states that forms are printed and provided to local Traveller development groups and circulated to all halting sites in the functional area. It states that the forms are available on the Council's website.

The Plan reports that for 2023, 100% of the Council's funding for the Caravan Loan Scheme was provided by DHLGH.

The Plan states that the Council provided a full report in respect of the Caravan Loan Scheme in the mid-term TAP review and provided a copy of the report to the LTACC. The Council states that no amendments were made to the TAP pursuant to the mid-term TAP review.

The LTACC is reported to have provided feedback to the Council pursuant to the preparation of the Plan that a caravan rental scheme should be introduced in place of a Caravan Loan Scheme.

The Plan states, under outcomes for 2023, that funding needs to increase from €30,000 to ensure mobile homes include a 'Winter Package'.

## **'Indigenous requirement' wording in the TAP**

The Plan reports that the Council has assessed the 'indigenous requirement' wording in the TAP and that it is to be removed from the TAP following this assessment. It states that in 2024, the wording will be replaced as per requirements of Part 9 of the standard social housing application.

The Plan states that the Council intends to prepare a new Allocations Scheme in accordance with the Public Sector Equality and Human Right's Duty Framework. The Council sets out an action to introduce a complaint/review process to include equality monitoring in evaluation of decision-making processes.

## **Introduction of the ethnic identifier**

The Plan sets out a proposed outcome to improve digital access/housing customer service to Travellers by the Council in order to inform them of the option to self-identify in the social housing application form.

The Plan includes the following planned actions with respect of this outcome:

- › provision of workshops to train staff of Clondalkin and Tallaght Traveller development groups on the Council's housing on-line customer portal;
- › opening of a new Housing Customer Centre with appointments available to assist members of the Traveller community with social housing applications; and
- › promotion of the ethnic identifier on social housing applications by the Council and Traveller development groups.

The Plan references actions to collect and analyse data on ethnicity including that it is collected in the Integrated Housing System and statistical information can be provided to the LTACC.

In relation to use of the data, the Council references a planned outcome of the Plan to ensure accurate, robust and comprehensive data to inform decision making in relation to spending on Traveller specific accommodation. To achieve this outcome, the Plan references the following actions: to publish open data on revenue and capital expenditure on Traveller accommodation on an annual basis; and to pilot a Traveller participatory budget similar to 'Have Your Say'.

## **Pilot monthly clinics**

The Plan reports that the Council operates monthly clinics at the offices of local Traveller development groups. It states that these are now fully operational and form part of the outreach of the TAU.

The Plan references a planned action to run focus groups with the Traveller development groups in order to review operation of the monthly clinics. It also states that TAU staff will report any issues raised at clinics with other sections of the Council.

In relation to the possibility of employing a dedicated Traveller Liaison Officer, the Plan states that the Council is to submit a business case for such recruitment.

In relation to introducing new practices to support Traveller engagement on housing issues, the Plan states that the Council intends to run a pilot of new choice based letting for Traveller accommodation units. A related action is stated to be, as previously referenced, provision of training to Traveller development groups on the new online housing portal. The Plan also references the dedicated Housing Customer Centre and the availability of TAU staff to meet with Travellers at the centre.

The Plan includes an action to establish Traveller residents' associations.

## **Recording of data on allocated funds**

The Plan sets out the following objectives in relation to recording of data on allocated funds and drawdown by the Council:

- › to produce clear and transparent data on drawdown for funding for Traveller specific and general accommodation;
- › to implement reporting on spend for standard social housing, group housing and halting sites, HAP and RAS; and

- › to publish a report of drawdown of funding for refurbishment of existing and new Traveller specific accommodation.

The Plan refers to actions in respect of these outcomes including that the Council will:

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“publish data on capital programme and revenue budget expenditure.”

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It will action a new reporting template provided to LTACC members detailing spend by budget category, and reason for non-expenditure, if applicable.

## **Operation of new procedures pursuant to Circular 03/2020**

The Plan reports on planned steps pursuant to new procedures set out in Circular 03/2020. It states that the Council will publish a report of drawdown of funding for refurbishment of existing and new Traveller specific accommodation, as referenced above. It references the new reporting template to be provided to the LTACC members on budget spend and any reasons for non-expenditure, also referenced above.

## **Organisational equality arrangements including equality policy and training**

The Plan sets out proposed outcomes in relation to equality policy and training, including:

- › the promotion of equality of opportunity, elimination of discrimination, and the protection of dignity and human rights of Council staff, elected members and customers;
- › the provision of equality and diversity training to staff and elected members;
- › the inclusion of an equality statement in the new TAP 2024 to 2029;
- › the inclusion of an equality statement in the new Allocations Scheme;
- › the implementation of Annual Action Plans through the Public Sector Duty and Human Rights Duty Framework and to report programmes and achievements in the Council’s Annual Report; and
- › the establishment of a new interdepartmental working group to be established with external stakeholder to form part of the work as the implementation plan is developed and implemented.

The Plan references the publication of the Council's PSEHRD Framework on its website. It makes reference to actions the Council plans to take to progress equality policy and training outcomes. The Equality Action plan states that:

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"it will include an equality and human rights values statement in the Council's Public Sector Duty Framework."

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The Plan states the Council's cross-departmental equality and human rights working group is currently being re-developed. It states that when forming the updated working group, there will be engagement with the group established to support development of the PSEHRD Framework, which included local TDGs.

## **Public Sector Equality and Human Rights Duty**

In respect of the PSEHRD, the Plan states that the forthcoming TAP and the new Allocations Scheme will be drafted under the Duty to take account of the steps of access, address and report.

The Plan states that the Council's Equality Officer provides plain English proofing support and has proofed a variety of housing documents and webpages in the preceding year. It states that equality proofing is carried out while the plain English language is taking place.

# Recommendations

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## Introduction and overview

The Council's Plan is a detailed document that reports on several actions taken since the Equality Review, notably the operationalisation of monthly outreach clinics by the TAU in the offices of local Traveller development groups and the publication of the PSEHRD Framework. It also plans various further actions to address areas of concern including working towards improved and more transparent reporting of spending, promotion of the ethnic identifier in the social housing application form and use of this data, and the adoption of an equality policy in the forthcoming TAP and Allocations Scheme.

At the outset, the Plan is positioned within the Council's Public Sector Equality and Human Rights-Duty Framework and Corporate Plan. This indicates a commitment to embed equality in the overall workings of the Council and provides a positive context for the implementation of the Plan.

The Plan references some creative initiatives that seek to promote Traveller culture and inclusivity, including some pilot schemes designed to support Traveller engagement on housing issues. The Plan includes actions to positively promote Traveller culture for example through a conference and funding of events that are to celebrate different aspects of Traveller culture and history. These indicate an innovative and positive approach that is welcomed by the Commission.

There is reference to consultation in the preparation of the Plan and also in some aspects of its implementation.

It is stated to have been prepared in consultation with the LTACC, though it is not clear how extensive this consultation was and if sufficient time was provided and information shared to ensure a meaningful consultative process. It is also not clear from the Plan if stakeholders more broadly were engaged in the preparation phase. The Commission considers meaningful consultation with stakeholders to be an essential part of preparation and implementation of any Plan.

The Plan is acknowledged to be a working document. This is a welcome indication that it will be responsive to future developments and issues that may arise in its implementation. In the Commission's view, consultation with the Traveller community and representative

groups during the implementation phase, and responsiveness to feedback received will strengthen the implementation of the Plan and enhance its impact.

There appears to be scope for an ongoing role for the LTACC: the Plan is stated to be a standing item of LTACC meeting agendas and there are various actions references in it which actively involve the LTACC. It is important that the LTACC is resourced and supported in such a role. As stated above, it is essential that stakeholders, through the LTACC and other consultative processes, are able to engage in implementation of the Equality Action Plan and provide feedback to ensure it is truly a living document.

## **Improvement in accuracy of annual count/census of Traveller accommodation need**

The Council's Plan identifies clear outcomes and actions under this heading aimed at collating accurate information on the Traveller population in the functional area of the Council and their respective housing needs. This includes a defined action to take into account soft data from Traveller engagements, which is potentially a valuable source of data.

Positive and constructive relationships with Traveller representative groups and the Traveller community in the Council's functional area are an essential basis for the gathering of such soft data. The Plan would be strengthened by inclusion of specific actions to promote and maintain such relationships.

The Council's proposal to ensure that the assessment of need for the forthcoming TAP will include presentation of data in age bands is a welcome mechanism to plan for new family formations.

The Plan includes an innovative mapping tool and a plan to make greater use of infographics to display data. These innovative proposals have the potential to improve accessibility and transparency of information on current Traveller accommodation and planned accommodation. The Commission would welcome clarity on how such actions were identified and if they were agreed on through any consultation with stakeholders in the preparatory phase of the Plan.

There is provision in the Plan for sharing of the information and data across the Housing Social Community Development directorate and for the PSEHRD to be taken account of in respect of decisions on Traveller accommodation. While these elements are welcome, the



Commission invites the Council to identify clearer mechanisms for the information to directly influence decisions and policy on Traveller accommodation provision.

The Plan states that the Council will submit a business case for the recruitment of a Traveller Accommodation Worker but there is no timeline attached to this specific action, which would, in the Commission's view, strengthen its potential impact. There is no indication of any feedback from local representative groups on whether such a role would be beneficial. The Commission would also welcome consideration to be given to promoting employment of Travellers in this role.

Finally, there is no reference to engagement with national bodies or other local authorities with respect of improving the accuracy of the count/census. The Commission considers that such engagement would be worthwhile for the purposes of promoting innovative and/or good practices and achieving a consistency more broadly on the practices applied.

## **Accuracy and completeness of the TAP**

The Plan commits to ensuring accurate and complete data is collated and taken into account when preparing the TAP. There is a welcome reference to identifying the preference of Travellers for various forms of housing, so that they can be accurately recorded and reflect in the TAP.

There is reference to assigning stakeholders responsibility in relation to meeting the accommodation need through the TAP but no detail is provided on which stakeholders are to be assigned what responsibility and within what timeframe. It is also not clear if stakeholders have been engaged with respect of this potential responsibility. The Commission considers it important that relevant stakeholders are aware of their roles with respect of delivering on the TAP so as to maximise the prospects of success. As noted above, in the Commission's view, fostering of positive and constructive relationships with representative groups and the Traveller community more widely will contribute to the achievement of the identified objectives.

## **Promoting the practical implications of Traveller ethnicity**

The Plan sets out some creative actions designed to support and promote Traveller ethnicity and culture both within the Traveller community and for the benefit of the wider

community. Emphasis on actions to promote inclusive communities is welcomed by the Commission as is the positive approach to celebrating Traveller culture and history through events funded by the Council.

The actions under this heading in the Plan indicate a recognition of the importance of consultation and effective engagement with the Traveller community. Effective engagement is an essential part of successful implementation of new pilot schemes. The Plan would be strengthened by greater detail on how the Council intends to develop and roll out new pilot projects and consultation tools, and how the impact of these will be measured.

The Plan identifies new approaches to housing allocations by proposing to pilot a CBL for allocation of new sites that will take account of family formations. Further detail on how this pilot was identified as a suitable action would strengthen the Plan together with greater detail on what specific steps will be taken to implement the action.

The Plan makes a welcome commitment to a feasibility study with respect of horse ownership, and references two horse projects the Council currently supports. The Commission would welcome greater detail on the level of support, longevity of that support and the engagement of Travellers in the existing horse projects so as to provide a clearer picture of their accessibility and impact.

## **Provision of appropriate and accessible homeless services**

The Council recognises in its Plan the vulnerability of Travellers who are experiencing homelessness.

The Council positions its actions with respect of meeting cultural needs of the Traveller community within the wider response of the DRHE. The specific provision by DRHE for larger family sizes within its stock of emergency accommodation is welcome. The Commission notes the commitment in the Plan to provide Traveller specific homeless accommodation. The Plan would be strengthened by the inclusion of clearer actions designed to achieve the objective of responding to Traveller homelessness in a culturally appropriate manner.

The Plan references the provision of specific supports by the Council and partner services to Travellers at risk of, or experiencing homelessness, and recognises the strength of a

multi-agency response. The Commission notes the various ways in which services can be accessed and welcomes the Council's recognition of the literacy and digital issues facing Travellers who are seeking to access services.

The Commission would welcome greater detail on what the experience has been of Travellers who are accessing homeless services from the Council and what actions have been identified and included in the Plan in order to address any issues identified through such engagement.

The Commission welcomes the proposed evaluation by the Council of the outreach clinics being operated monthly. It would be valuable for the Council to assess the impact of those clinics with reference to feedback from those who have attended and facilitated them.

Overall, the Commission would encourage ongoing engagement with representative groups to ensure that homeless services are provided in a manner consistent with the PSEHRD, and that appropriate training and support on cultural diversity and working with vulnerable groups is in place for Council staff.

The Plan does not make any reference to coordinating or aligning any of its action on Traveller homelessness with any national bodies. Such cooperation presents an opportunity to leverage financial and best practice resources to further develop the response of the Council on Traveller homelessness.

## **Provision of transient halting sites**

The Plan makes several commitments to further explore the need for transient sites in its functional area. The Commission welcomes the commitment to consult and engage independent experts in order to identify any need for transient halting site bays. The proposed engagement with other Dublin local authorities and the DHLGH is welcome, as are initiatives to arrange for the LTACC to engage with other local authorities to gain an insight into construction and operation of transient sites.

There is no reference in the Plan to the issue of transient sites being considered in the course of the mid-term TAP review. The Commission would invite consideration of the need for transient sites in the preparation of the forthcoming TAP.

## **Provision of a Caravan Loan Scheme**

The Plan reports on the activity pursuant to the pilot Caravan Loan Scheme. The evaluation is stated to be being undertaken by DHLGH and pending.

There is no reference to any internal evaluation by the Council on the impact of the pilot in the Plan except for reference to feedback from the LTACC in the course of preparation of the Plan. The LTACC is stated to have proposed that a rental scheme be introduced in place of a Caravan Loan Scheme. It does not appear that any follow up action is included in the Plan pursuant to that feedback and proposal. It is stated that no amendments were made to the TAP on this aspect. It is unclear why the feedback of the LTACC on the scheme was not reflected in the mid-term TAP review or why the feedback of the LTACC was not incorporated into any follow up action in the Plan e.g. a feasibility study for a rental scheme. In the view of the Commission, this may be a missed opportunity to consider alternatives to the Caravan Loan Scheme that may meet the needs of the Traveller community.

It appears, from the information provided in the Plan, that there are shortcomings in the existing Caravan Loan Scheme in circumstances where only 17 of 47 applicants ultimately secured funding for a caravan. The status and overall functionality of the existing Scheme is unclear and in the absence of any evaluation of the pilot, either by the Council or the DHLGH, there is a lack of clarity on the ongoing accessibility and suitability of the Scheme.

Overall, the Commission notes that lack of impetus and focus in the Plan regarding the Caravan Loan Scheme or possible alternative. Such a lack of focus is regrettable in circumstances where there appears to be an urgent need for good quality caravans for some Traveller housing applicants within the Council's functional area. In light of this, the Commission invites greater attention and consideration in the Plan of the operation of the Caravan Loan Scheme in its current form, including implementation of any possible alternatives in cooperation with both local representative groups, other stakeholders and DHLGH.

## **‘Indigenous requirement’ wording in the TAP**

The Commission recognises the significant and welcome commitment in the Plan to remove the ‘indigenous requirement’ wording in the TAP.

The Commission also welcomes the commitment to prepare a new Allocations Scheme in accordance with the PSEHRD Framework.

## **Introduction of the ethnic identifier**

In the Plan, the Council sets out several actions designed to collect, collate and use data on ethnicity in conjunction with other housing data. This includes use of IT systems/housing databases to make the data accessible to the Council.

It is not clear, however, that these actions were identified following consultation with relevant stakeholders and that the methods of collecting the data were agreed as appropriate and effective for Travellers. As set out above, the Commission recognises the importance of positive and constructive relationships with representative groups and Travellers themselves in order to explain and promote use of the ethnic identifier. The Commission welcomes an approach to any data collection that is undertaken in a collaborative, sensitive and informed manner.

The Commission recognises the potential relevance and value of this data, if properly collected and collated. The Commission would welcome clearer mechanisms detailing how the data from the ethnic identifier will be taken into account, together with other information and data, by relevant sections of the Council charged with planning and delivery of Traveller specific housing so it can inform housing outcomes.

The Commission recognises innovative actions contained in the Plan such as piloting a Traveller participatory budget. It is not clear how this action was identified. The Plan would be strengthened by further detail on how such pilots would operate and their likely impact and expected outcomes.

## **Pilot monthly clinics**

The Commission welcomes the operationalising monthly clinics at the offices of the TDGs. The Plan includes a commitment to evaluate the operation of those clinics, as well as to information-share on issues arising with other sections of the Council.

The Commission's view is that an evaluation will be crucial to identifying whether or not the clinics are accessible to Travellers, if they are proving to be an effective mechanism of addressing their housing concerns on a range of issues, and what changes or

improvements could be made to this and related services. Consideration should also be given to the expenditure of resources by the local representative group in facilitating these clinics. As mentioned, support from local representative groups is crucial to ensuring sustainable and impactful mechanisms for engaging with the Traveller community.

The Commission invites greater urgency in relation to the employment of a dedicated Traveller Liaison Officer and clearer actions within the Plan that can deliver on such an objective in a timely manner.

The Commission welcomes the proposal of a further pilot in relation to a new CBL for Traveller accommodation unit and invites the Council to work closely with Traveller representative groups to ensure the pilot meets an identified need and is delivered in an accessible manner. The Plan recognises the concomitant training and digital support needed to ensure the fair and accessible implementation of such a pilot.

While the Commission considers there to be potential in the innovative proposal to establish residents' associations. The Plan would be considerably strengthened by greater detail on the purpose and potential impact of such associations and how the action was identified (e.g. through consultation or any other way), together with steps for how they would be established and supported and within what timeframe.

## **Recording of data on allocated funds**

The Plan makes clear commitments to more transparent reporting on allocation of funds and drawdown on different types of housing.

The Commission welcomes the commitment to publish a report on the drawdown of funding for refurbishment of existing and new Traveller specific accommodation.

Transparent recording and sharing of such data is an important way of monitoring the delivery of new Traveller specific housing as distinct to standard social housing provision to Travellers. It is the concern of the Commission that delivery of new Traveller specific housing is not happening quickly enough or to a sufficient level to meet the need for culturally appropriate housing of Travellers.

The Commission notes that the Council plans to report to the LTACC including any reason for non-expenditure of funding, if applicable. The Commission welcomes this inclusion and

would welcome any actions to ensure the LTACC is an effective and informed forum for full and transparent consideration of such data.

## **Operation of new procedures pursuant to Circular 03/2020**

The Plan references actions to implement Circular 03/2020, although the Commission notes that there is no reference to evaluating or feeding back to DHLGH on the effectiveness or otherwise of the new system. There is no consideration given to analysing whether or not the new procedures are improving the Council's rate of drawdown for, and its consequent delivery of, new units of Traveller specific accommodation.

Identification of any issues with the new system would assist in ensuring any such issues can be addressed and overcome, and not present a barrier to drawdown of funds for Traveller specific accommodation. The Commission would welcome any action by the Council to evaluate the operation of the new Circular and to engage with the DHLGH on any shortcomings identified.

## **Organisational equality arrangements including equality policy and training**

The Commission welcomes the wide-ranging actions set out in the Plan designed to improve organisational equality arrangements.

The Commission commends the planned inclusion of an equality statement in the forthcoming TAP and Allocations Scheme. The Commission welcomes the plan to provide equality and diversity training to staff and elected members of the Council, and recommends that such training is extended to all members of the LTACC.

The Commission commends the publication of the Council's PSEHRD Framework which indicates an overall organisational commitment to embedding such an approach in the Council's day to day work, including in provision of housing services to Travellers.

The Commission notes the plan to form a cross-departmental equality and human rights working group. The Commission recognises the importance of Traveller representatives being included in that group. The Commission believes the Plan would be strengthened by more specific actions that set out clear timelines for establishment of the group and once established, the preparation of clear terms of reference and a workplan. This will ensure

that the actions in respect of organisational equality arrangements are timebound with clear milestones.

## **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, programme or service and making a key decision public bodies would have regard to the PSEHRD.

The development of a PSEHRD Framework by the Council in the Plan provides an overall context within which it can follow through on the commitments made in the Plan, including with respect of the TAP and the Allocations Scheme. In preparation and proposed implementation of the Plan, the Council has demonstrated a clear and thorough understanding and commitment to their statutory obligations with regard to the PSEHRD.



The Plan is aligned with the Council's PSEHRD Framework and Corporate Plan that sets out the assessment of equality and human rights issues identified.

The Council has clearly demonstrated across the Plan where they have had regard to the need to eliminate discrimination, promote equality and protect the human rights of service users, in particular Travellers, in the development and proposed actions within the Plan.

## Conclusion

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

The Commission is cognisant that the Council has published a PSEHRD Framework which provides a welcome overarching context in which the actions of the Plan can be implemented and it notes the overall commitment to fulfilling its statutory obligations with regard to the PSEHRD. The Commission welcomes the Council's clear commitment to including equality statements in relevant Traveller accommodation documents such as the TAP, and commends its commitment to training of staff and elected members with respect of equality and diversity.

The Commission notes a lack of detail on what financial resources will be available to support implementation of the Plan. It is crucial that any resource implications are fully considered.

The Commission notes several actions included in the Plan that aim to promote Traveller culture and inclusive communities, including in particular some innovative pilot schemes. The Commission invites the Council to fully engage with Travellers and Traveller representative groups within its functional area in respect of all actions, particularly those designed to enhance the accessibility of housing and homeless services and to meet the stated housing preference of Traveller households.

The Commission welcomes the planned action of the Council to take out the 'indigenous requirement' wording, which is considered to be discriminatory, from both the TAP and the Allocations Scheme. The Commission also welcomes the Council's intention to re-engage in relation to provision of transient sites and its clear actions in that regard.

The Commission is concerned at the shortcomings in the existing Caravan Loan Scheme and considers that the Plan would be strengthened by the inclusion of actions that clearly support and develop the Caravan Loan Scheme, and/or relevant alternatives, in cooperation with the LTACC and other stakeholders.

The Commission invites the Council to fully resource and support the LTACC, including Traveller participation and representation on the LTACC, and to enable its involvement in implementation and review of the Plan. The Commission notes the statutory limitations on the role of the LTACC and with that in mind, encourages the Council to maintain positive

and constructive relationships with stakeholders, including Traveller representative groups, in order to promote positive housing outcomes for Travellers and explore potential for their representation on other committees, including for example, the Housing SPC.

The Plan has a clear focus on collating accurate data on housing needs of Travellers within the functional area of the Council. It is essential that such data is then used to inform and give momentum to delivery of new Traveller specific accommodation units. Such delivery should be distinct from refurbishment or provision of social housing/social housing support.

The Commission is concerned that a slow delivery of new Traveller specific accommodation units impacts negatively on the ability of Travellers to access culturally appropriate accommodation. The Commission recognises that this, in turn, influences Travellers' housing preference, as social housing may be allocated within a shorter timeframe and Traveller housing applicants may give up on their true preference in favour of housing that as it will be allocated within that shorter timeframe.

With this in mind, the Commission encourages the Council to prioritise and focus on any such actions within the Plan that promote engagement with stakeholders, including Traveller representative groups and housing applicants themselves on true housing preference and access to culturally appropriate accommodation, and that will contribute to and facilitate timely delivery of new units of Traveller specific accommodation.

## Appendix 1

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In terms of the findings in the Equality Review and the related published account of that review including the recommendations of the Commission, the following matters would now fall to be properly addressed in an Equality Action Plan:

- 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 how these are identified; 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 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.
- e. 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 Dublin region, and identification of locations for transient sites pursuant to the TAP 2019 to 2024; 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.
- f. Please clarify the steps taken to date, or planned, to strengthen the availability and accessibility of the Caravan Loan Scheme, including details of:
  - i. the current status and form of the Caravan Loan Scheme (the 'scheme'), noting the terms of the pilot scheme in operation as of July 2021;
  - ii. the expenditure under the pilot scheme;

- iii. the number of applicants to the pilot 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 the pilot scheme;
  - iv. any evaluation(s) undertaken of that pilot scheme and actions planned or proposed on foot of the findings of any such evaluation(s);
  - v. details of the communication of any ongoing scheme (pilot or otherwise), to members of the Traveller community within the functional area of the Council in an accessible manner;
  - vi. the funding arrangements for any ongoing scheme;
  - vii. any consideration of the scheme in the course of the mid-term TAP review and related amendments to the TAP on foot of that consideration; and
  - viii. the evaluation tools and reporting mechanisms that apply to the effectiveness of the scheme in its current form.
- g. Please clarify the steps taken to date, or planned, to address the 'indigenous requirement' wording in the TAP, to ensure that there is no discrimination when members of the Traveller community are compared to the requirements on the wider community, noting the statutory framework that applies, including:
- i. the assessment of the wording in the mid-term TAP review;
  - ii. the 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.
- 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, regarding a pilot run with monthly clinics held in the offices of the Traveller Development Group, including to:
  - i. assess the outcomes of any pilot;
  - ii. implement the learnings from the pilot;
  - iii. extend the pilot and/or similar ongoing service provision by way of monthly clinics and alternative or complementary supports; and
  - iv. introduce new or updated practices and procedures to support Travellers in their engagement with the Council on housing issues arising from the pilot or elsewhere, including the possibility of employing a dedicated Traveller Liaison Officer.
- 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 drawdown and allocation of funding for the refurbishment of existing Traveller-specific accommodation separate to general drawdown 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 drawdown 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. 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;
  - ii. the inclusion of an equality statement in the TAP;
  - iii. the inclusion of an equality statement in the Allocations Scheme;
  - iv. the development and implementation of additional Council equality policies, if any; and
  - v. the operation of the new interdepartmental working group, including detail on Traveller representation and engagement, and to set out time-bound steps to develop and progress the work of any such group.
- m. 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