

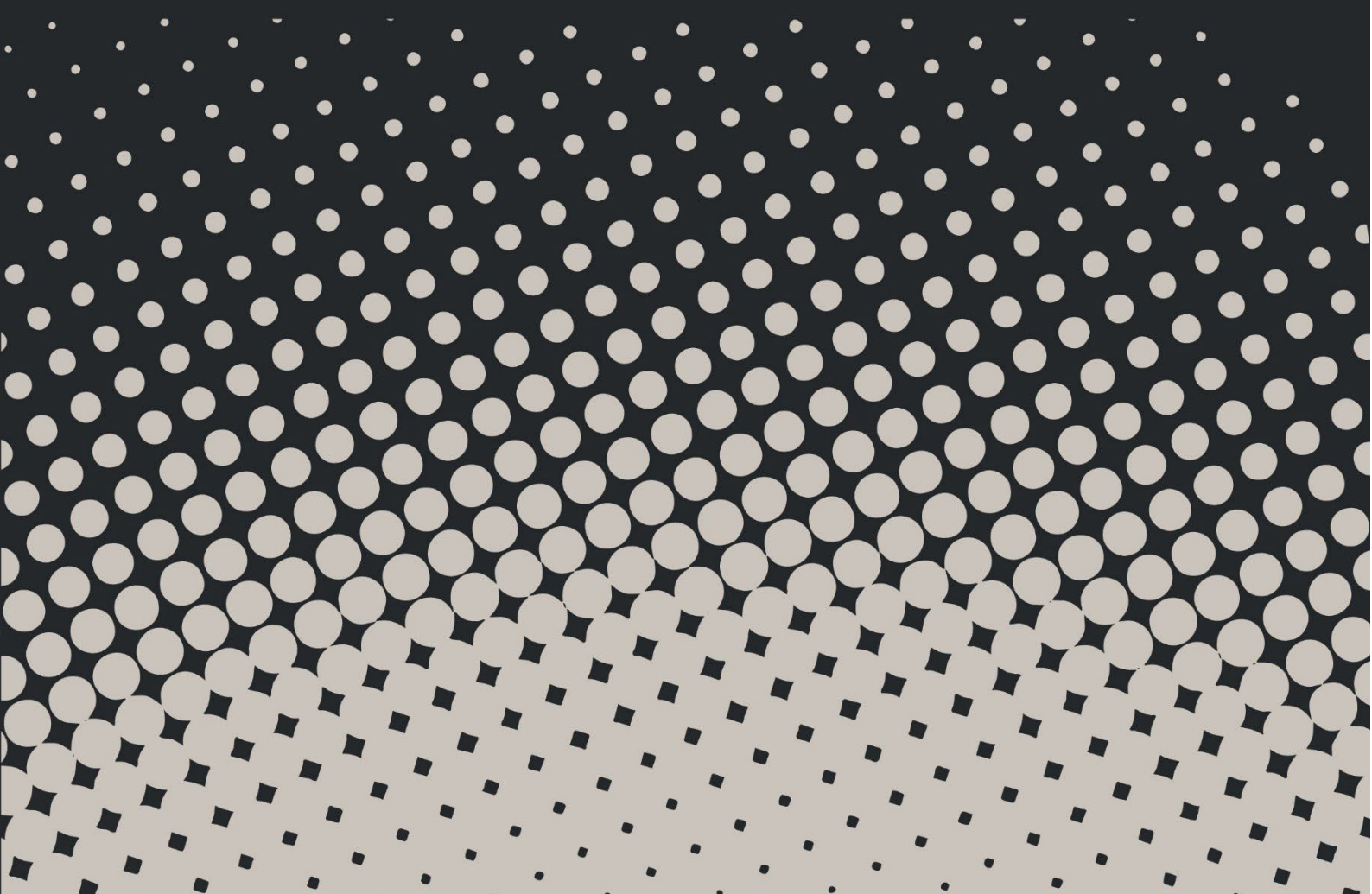


Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

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

Irish Human Rights and Equality Commission

June 2024



Published by the Irish Human Rights and Equality Commission.

Copyright © Irish Human Rights and Equality Commission 2024

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

Glossary.....2

Introduction4

Summary of Actions identified in the Plan.....5

Recommendations18

Conclusion28

Appendix 129

Glossary

2014 Act:	Irish Human Rights and Equality Act 2014
AHB:	Approved Housing Body
AGS:	An Garda Síochána
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)
CRM:	Customer Relationship Manager
DHPLG:	Department of Housing, Planning and Local Government, known as the Department of Housing, Local Government and Heritage (DHLGH) since 30 September 2020
DRHE:	Dublin Region Homeless Executive
DSP:	Department of Social Protection
ESA:	Equal Status Acts 2000 - 2018
HAP:	Housing Assistance Payment
HSE:	Health Service Executive
LDC/LCDC:	Local Development Company/Local Community Development Company
LTACC:	Local Traveller Accommodation Consultative Committee
NGO:	Non-Governmental Organisation
RAS:	Rental Accommodation Scheme

SPC:	Strategic Policy Committee
TAP:	Traveller Accommodation Program
TAU:	Traveller Accommodation Unit
TLO:	Traveller Liaison Officer
TIF:	Traveller Inter-Agency Forum
TIG:	Traveller Inter-Agency Group

Introduction

In June 2019, Tipperary 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 (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 that included arrangements for monitoring and review. The invitation referenced 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 was achievable and could deliver real results for the affected community.

In preparing and implementing 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 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

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

The Plan reports on ongoing actions taken to date with respect of identifying the Traveller accommodation needs in the Council's functional area.

The Council plans ongoing use of the housing application form to identify existing and future housing need and states that support in completing the form is provided by the TLO to all Traveller applicants, including on the use of the ethnic identifier and its value. The Council notes the inclusion of the ethnic identifier on the housing application form from August 2022.

The Plan reports that a Summary of Housing Needs Assessments is carried out on a yearly basis and affords all Traveller applicants an opportunity to update on their circumstances and preferences. The Council states that it makes additional efforts to contact Travellers who do not reply to the assessment through its TLO and other officers, and states that additional supports can be put in place to assist Travellers. It references cooperation with Public Health Nurse, NGOs and HSE health workers.

The Plan reports that the Council carries out the Annual Estimate of accommodation of Traveller families annually in a collaborative manner with NGOs and the HSE, and that the results are communicated to the LTACC. The Plan reports that from quarter 2 of 2023, a more detailed breakdown of accommodation circumstances of Travellers will be presented, including information on overcrowding, homelessness, and 'illegal encampment'. The Plan states that when this information is presented, an outline of:

"how these needs will be delivered in the timeframe of the plan and the key priorities to be delivered will be identified."

The Plan reports that a review was undertaken in 2021 to ascertain the level of overcrowding of all accommodated Traveller families, and to identify accommodation solutions for each. The Plan indicates that this is currently being tracked and utilised to develop an ongoing three-year capital programme.

The Plan commits to improved use of 'ihouse' to keep more accurate records of Traveller needs and preferences in real time.

The Plan states that between the plan preparation periods, the Council will continue with ongoing contact and engagement with existing Traveller applicants around their accommodation preferences and will continue to work with Traveller representatives on this action.

Accuracy and completeness of the TAP

The Plan states that the Council will utilise appropriate census data, local, and own knowledge to identify the housing needs of the Traveller community for the forthcoming TAP.

The Plan states that all relevant information which affects the annual count will be captured, reviewed and taken into consideration, including new families residing in the Council's functional area, and new family formations.

The Plan commits to using the information captured in the '2023 Annual Account' to directly inform the preparation of the forthcoming TAP, with particular reference to the assessment of current and projected accommodation needs of Traveller families.

The Plan commits the Council to working with partners to encourage all applicants to engage with the process and complete appropriate housing application forms, and:

"to keep under review the number of individuals who refuse to engage".

It states that where there are perceived deficiencies with the information, it will advise the relevant Department and propose solutions, if appropriate.

The Plan states that the Council will continue to work on an ongoing individual basis with members of the Traveller community to identify their housing need, and to ensure engagement takes account of the variety of accommodation on offer and families' particular needs. Under the Plan, the TLO is due to engage regularly in this area, and to facilitate the selection of at least three locations for each family within the functional area of the Council.

The Plan reports that under the current TAP and for the period 2019 to date, 125 units of accommodation have been allocated to members of the Traveller community, over the target of 90 units over five years. It states that there are currently capital works ongoing in relation to Traveller accommodation, rural housing and standard housing on 13 sites with nine completed or to be completed in 2023.

The Plan commits to communication that is clear, simply and easy to understand. It states that the Council will utilise various tools available to assist where learning issues arise, including partnership with appropriate NGOs and HSE support workers, therefore assisting with needs' identification and capturing of that need in the system.

The Council states that it will continue to include options for all accommodation including halting sites, group housing, rural housing, standard housing, caravan loans, tenant purchase, housing loans, and "TAS, HAP and LTL".

The Equality Action Plan says the Council will:

"continue to present a breakdown of accommodation demands by type and number to the LTACC on a regular basis and progress reports on delivery programme of these options".

The Plan states that the Council will continue to provide in-depth detail in the analysis of accommodation need based on revised and additional methodology for the preparation of the Annual Count. It states that section 4 of the TAP will outline specific targets and objectives to address the accommodation requirement of Travellers as identified in the assessment of need during the lifespan of the TAP.

The Plan identifies the TAP as the primary strategic document/policy that guides the accommodation programme of the Council for the Traveller community. It references policies and guidelines that define its method and implementation. The Plan states that the Council will continue to follow the legal and departmental guidelines in terms of consultation and participation when preparing the TAP.

The Plan states that the Council will consult with Traveller representative groups in drawing up the TAP, in addition to the Strategic Policy Committee and "LECP". The Plan states that the Council will utilise NGOs to ensure greater engagement with the relevant community. The Plan commits to collaborating with NGOs to host Traveller accommodation focus groups on the plan content.

The Plan states that the previous TAP identified an action to undertake a survey on the views of the community with respect of their current accommodation. It is stated that this had been agreed to be led by the relevant NGO but it was not completed. The Council states that this action will be progressed under the new TAP.

The Plan states, with respect of the forthcoming TAP, that the Council will provide more detail to ensure needs are identified in relation to:

“preferences, household size, waiting times on list etc”.

The Plan commits to engaging with broader civic society and local and national groups through media and social media on the new TAP and in relation to any proposed schemes. It states that it will collaborate with NGOs in addressing cross community areas of concern. The Council commits to meeting external groups as appropriate where specific proposals may impact on them.

The Plan sets out various actions with regard to the CBL. It states that there is good regular activity by the Traveller community with the CBL. The Plan proposes to commence a more structured tailored engagement on information sessions with Travellers on CBL and access to CBL to ensure vulnerable members of the Traveller community are active on it. The Council intends to use these sessions to build on addressing other informational accommodation deficits with the community.

The Plan states that the Council will continue to hold back a portion of units from CBL and allocate these under traditional allocation systems for those who do not utilise CBL. The Plan states that the Council will continue to designate certain properties for Traveller accommodation use only.

The Plan states that the Council will work with Traveller families in halting sites and group housing schemes to extend the group/halting site to accommodate additional bays/units for the extended family units where:

“there is a demand, where it is possible and feasible, and when it is in the interests of good estate management, and in the interests of proper planning and development.”

Provision of appropriate and accessible homeless services

The Plan reports on a range of:

“emergency accommodation solutions for members of the Traveller community who find themselves homeless.”

These include emergency B&Bs and hotel accommodation, own front door accommodation, and refuges.

The Plan refers to the provision of “necessary supports”, including wraparound services, HAP place-finder and Housing Allocation Officers. The Plan states that the Council’s Homeless Action Team meets on a weekly basis and discusses cases, and works closely with staff working in the area of Traveller accommodation. It states that homelessness is reviewed on an ongoing basis at LTACC meetings.

The Plan commits to raising awareness amongst Travellers of the activities of homeless services through the TLO, NGOs and others. It states that the homeless team are to be provided with equality and human rights training.

The Plan reports that there are issues particular to some members of the Traveller community in terms of addressing homelessness and accessing private accommodation. The Plan commits to reviewing the service being offered to Travellers to identify any barriers to access and to involve Travellers and their representatives in any such review. The Plan states that any findings will be fed into the South East Regional Homeless Plan with supports sought where and if necessary. The review will seek to establish the numbers and reasons why Travellers have been accessing services and any particular challenges they face, and explore the outcomes of those that have accessed services.

The Plan states that the Council will continue to prioritise preventative work in relation to homelessness, and that this can include referral to statutory and voluntary agencies.

The Plan states that the Council will maintain and present “template documents and records” to the LTACC and in the TAP in relation to homelessness on an ongoing basis.

As detailed below in relation to meeting cultural needs of Travellers, the Plan says that the Council will identify supports to assist the homeless team to support Traveller families to access appropriate supports and accommodation. The Council also commits to undertaking research of those families who have presented as homeless over a two-year period during the TAP plan period, and to identify key challenges, issues and constraints that have led to homelessness, and to seek solutions to meet these deficiencies.

Traveller participation in estate management

The Plan reports on the Council's active engagement with tenants of the Traveller community to ensure ongoing engagement in relation to families' specific accommodation needs. It states that this is undertaken by onsite meetings, phone calls, office meetings, through estate management groups, and through representations from elected members or advocates.

The Plan commits to reviewing the success or otherwise of previous and existing tenant participation programmes and states that the Council will utilise findings to improve activity in the area as an action under the forthcoming TAP.

The Plan states that the Council will seek to establish new tenant participation programmes on sites where they are not currently in place in order to promote ownership and pride in the estate/site. Reference is made to an objective of the current TAP to encourage Travellers in standard estates to participate with groups through the support of the Community Liaison Officers.

Promoting the practical implications of Traveller ethnicity

A wide range of actions are referred to in this section, several of which also address other issues of concern including provision of homeless services and supports and compliance with the PSEHRD.

The Plan states that a number of initiatives are either directly supported or specifically run annually by the Council supporting Traveller culture and engagement, including initiatives with the museum, sports partnership and the community and social inclusion section. Pursuant to the Plan, the Council intends to formalise this existing activity and set out actions in the new TAP to include working with Travellers, NGOs, LDCs, LCDCs and others in order to promote positive aspects of Traveller culture and identity. It is stated that a timeline will be included in the TAP.

The Plan states that the Council will continue to promote Traveller culture through events associated with Traveller Pride and Culture Night, and will support LDCs in their work to promote Traveller identity.

With respect of facilitating ownership of horses, dogs and fowl, the Plan states that the Council is not funded to accommodate or provide lands for animal husbandry. It states that an existing action in the current TAP is to provide support to an NGO to explore options for that NGO to manage such facilities. The Plan states that this action has not been commenced but the Council intends to retain the action in the forthcoming TAP and:

“to continue to push and support for this initiative to be progressed.”

The Plan references social and community supports that are currently in place to support vulnerable Travellers, and states that these will be formalised in the forthcoming TAP, including:

- › to support vulnerable tenants who are Travellers from Tenancy Sustainment Officers and to work towards identifying more vulnerable members of that community with the aim of providing integrated supports so that their tenancy can be sustained;
- › to support, by way of the forthcoming TAP, better educational outcomes for children in the Traveller community (currently operating as a pilot) and to support the implementation of a multi-stakeholder Traveller Educational Initiative led by the Council to improve such educational outcomes;
- › to include an action, in the forthcoming TAP, pursuant to learnings of the housing section’s work with an LDC, initiatives to improve relations between the Traveller and settled community;
- › to address anti-social behaviour in an appropriate and proportionate manner, working with all relevant agencies, so as to ensure any issues are actively addressed and families are supported to resolve difficulties including on halting site and group housing;
- › to provide mediation services intra family where required;
- › to lead on appropriate interagency initiatives to improve community relations between the Traveller community and AGS, the DSP, TUSLA, and the HSE; and
- › to identify supports to assist the homeless team to support Traveller families to access appropriate accommodation and provide appropriate wraparound supports where this is warranted and appropriate to the needs.

The Plan commits to undertaking research of those families who have presented as homeless over a two-year period during the TAP plan period, and identify key challenges, issues and constraints that have led to homelessness, and to seek solutions to meet these

deficiencies. The Council states that the TAP 2024 will include a defined timeline for delivery in respect of this action.

The Plan reports on the current work of caretakers at each halting site and group housing scheme, who deals with littering, dumping, and general caretaking of the common areas, and the maintenance of individual units of accommodation. It states that there is a significant level of spend in this area and refers to a need for a greater understanding of the issues.

The Plan states that in addition:

“there is generally a low level of take up of loans and grants (DPGs etc)”

Related to this, it also states that during the plan period of the TAP, the Council will undertake research through the use of the ethnicity identifier to ascertain the level of spend on maintenance, repair, grants and loans. There is acknowledgement here in the Plan that not every Traveller will wish to use the ethnic identifier.

The Plan references an ongoing review of the Allocations Policy, the ASB Policy, and the Tenant Handbook and the principles of the Public Sector Duty and states that:

“their compliance with same will be part of this process.”

It states that the Council will ensure that PSD principles are considered when reviewing other relevant policy documents and that it will facilitate:

“opportunities for LTACC and SPC to participate in same”.

The Plan reports on the active engagement of TLOs and “SSWs” with the majority of Traveller families, with that engagement stated to be on an ongoing daily basis. It states that Council staff members are accessible by phone, through the customer service desk, via email and more formally through appointments. The Plan notes that the vast majority of engagement is informal and involves on-site visits. The Plan states that the Council will continue to encourage and facilitate greater access to housing supports, utilising all supports available including CBL, drop in clinics and phone access. It states that any new initiatives will be included in the forthcoming TAP.

The Plan states that actions will be to facilitate families to engage on issues of concern regarding their accommodation through the CRM and other appropriate means, including

liaising with the TLO and caretaker. The Plan confirms that the TLO and “SSW” will continue to act as a link to services for families and individuals who require it.

Provision of transient halting sites

The Plan commits to undertaking a review of attitudes towards transient halting sites with all relevant stakeholders through the LTACC and to progress this “as appropriate”. This is to be included in the forthcoming TAP. The Council commits to cooperate, when relevant, with any initiative led by the DHLGH and other local authorities in relation to exploring options to establish a network of transient sites on a regional and national basis, and to feed the findings from the review of attitudes into such an initiative.

Provision of a Caravan Loan Scheme

The Plan states that there was no uptake of the Caravan Loan Scheme by Travellers in the Council’s functional area during the pilot period. It states that the Scheme is currently under review by the DHLGH.

The Plan commits to incorporating details of the DHLGH review in the forthcoming TAP. It states that once reviewed, the Council will:

“advise the community accordingly in the most effective manner possible”.

TAP provision for Travellers on the roadside or on unofficial sites

The Plan reports on its engagement with Travellers who are residing on the roadside or an unofficial site.

The Plan states that a number of roadside families have been accommodated by the Council in:

“more suitable accommodation and that work is ongoing with other families who have left their current accommodation to reside back on the roadside”.

The Plan states that staff from the HPU and the TLOs continue to liaise with affected families to agree a pathway to address their accommodation needs.

The Plan states that the Council will continue to access Departmental funding to provide accommodation for Travellers living on the roadside and on unofficial sites. It also states that the Council will include this information in an annual report to the LTACC:

“to monitor progress”.

Introduction of the ethnic identifier

The Plan did not address this issue specifically but made reference to the ethnic identifier with respect of the response on the practical implications of Traveller ethnicity, set out above.

Engagement with Traveller community in accessing services

Again, the Plan did not respond directly under this heading but provided details of the Council's service provision to Travellers in other sections, including in response to the practical implications of Traveller ethnicity and responding to Traveller homelessness.

Recording of data on allocated funds

The Plan did not respond directly under this heading but did provide comments on financial processes and allocation and drawdown of funds in a separate section on monitoring, which is detailed below under other issues addressed.

Operation of new procedures pursuant to Circular 03/2020

The Council does not respond to the query raised in relation to any steps taken to date, or planned, to assess and analyse the operation of the new procedures set out in Circular 03/2020. The Circular is not referred to in the Plan.

Operation of the LTACC

The Plan reports on the current operation of the LTACC stating that it meets on a quarterly basis with representatives from the Traveller community, Council officials, County Councillors and NGOs.

The Plan states that NGOs will be supported to work with Travellers to engage effectively with the LTACC in the context of policy development and not individual needs.

The Plan commits to delivering training to all members of the LTACC including on equality and human rights. It states that the Terms of Reference of the LTACC will be revisited after the training is delivered and to amend those terms if necessary.

The Plan commits to consulting with existing and past LTACC members to identify strengths and weaknesses of the committee.

The Plan states that an annual report will be prepared for the LTACC to reflect on the PSEHRD and that this will include information on HAP, homeless services, leased accommodation, offers made and reasons for refusal, capital activity, drawdown and spend in the area.

The Plan states that the LTACC will be assisted to undertake review of those actions not progressing as intended and not delivering as intended.

Response to and implementation of the Equality Review and related recommendations

The Plan provides detail on monitoring and feedback activities.

It states that the Council will develop a survey to track changes in needs and supports during the period of the new TAP and carry out a mid-term TAP review in order to understand the changing needs of customers and to inform strategies and activities.

The Plan states an objective of promoting integration of equality and human rights into capital projects proposed by the Council for Travellers. It includes the following actions with respect of that objective:

- › to continue the current process which brings the client with the team and ensures that the client's "*reasonable needs*" are met;
- › to ensure that the client is made aware of the constraints imposed on the Council in terms of design/resources/plans/regulations so that timelines and any changes made are understood; and
- › where policy changes are required, the Department is advised accordingly.

The Plan provides for various annual financial oversight measures on implementation of the actions.

It states that the following will be adhered to:

- › reports on Traveller accommodation and other support actions to be reported to the full Council on a bi-annual basis, the SPC on an annual basis and the LTACC on a quarterly basis in addition to reports requested by the Government and any other appropriate body seeking information;
- › that there be a standing agenda item for the final LTACC meeting of each year on the drawdown management of funds to support the delivery of Traveller accommodation, projects, supports and programmes;
- › that accurate records be maintained on spending on Traveller accommodation;
- › to report to government annually on capital drawdown of funds for Traveller accommodation;
- › to continue internal meetings, chaired by Director of Services, with members of the capital team and Traveller specific staff *“to monitor progress of TAP targets”*;
- › to continue to report on an annual basis to the Council on expenditure across all service-delivery areas including Traveller accommodation and services, and to continue to publish the annual financial statement at the end of each year; and
- › to continue to provide details to internal and external auditor on Traveller accommodation programmes in a timely and efficient manner as required.

Organisational Equality Arrangements including Equality Policy and Training

The Plan states that the Council will train staff to ensure they have the confidence in their own abilities to perform their functions without discriminating against or infringing on the human rights of Travellers. The Plan makes reference to such training in the areas of budgets, service provision and customer service and communication.

Public Sector Equality and Human Rights Duty

In respect of the PSEHRD, the Plan states that the Council will raise overall awareness of the PSEHRD within the Council through appropriate training of key staff and elected members who deal with the Traveller community. It states that the Council will encourage

staff and councillors to view and use the Commission's online guidance tools and resources.

The Plan commits to building consideration of human rights and equality obligations into business planning processes for housing delivery for Travellers, including in the areas of housing assessment, allocation, grants, loans, rental management, estate management and community development. The Plan states that three housing policies are being reviewed and will be proofed against the PSEHRD principles.

The Plan indicates that the Council will continue to engage with each family (and record the interaction):

“to work through the implications of their accommodation choice and to ensure that clarity is provided around what can and cannot be provided.”

The Plan states that the Council will ensure that all accommodation options are offered including access to affordable and private options. The Plan states that the Council will continue to deliver targeted and Traveller focussed tenant liaison training with each family/applicant who are provided with new social housing tenancies.

Recommendations

Introduction and overview

The Council's Plan is a detailed document that reports on several actions continuing since the Equality Review that are designed to support Traveller access to appropriate accommodation. The Plan references various further planned actions to address areas of concern including working towards improved organisational equality practises and greater awareness of and compliance with the PSEHRD. These actions are a welcome response to recommendations of the Commission pursuant to the Equality Review and in response to the invitation to prepare and implement an Equality Action Plan.

The Plan provides a reasonable level of detail on timelines within which actions are to be achieved by the Council. It specifies a particular section of the Council that is charged with overseeing completion of the action. The Commission welcomes such an approach that provides relative clarity on ownership of actions and a timeframe within which they are to be completed.

The Plan places considerable emphasis on the forthcoming TAP as the document that will contain several of the planned actions, despite several of these actions not falling within the statutory requirements of such a programme. Notwithstanding this, the inclusion of the actions in a publically available document that is subject to consultation, regular review and a mid-term statutory review is welcome and is likely to contribute to their greater visibility of any intended actions and arguable make them more achievable.

The Commission notes that several of the actions detailed are continuing. The Plan would be strengthened by greater detail on new and improved actions to tackle the issues of concern.

The Commission is concerned at what appears to be a lack of engagement of the LTACC both in respect of preparation of the Plan but also in respect of implementation of the actions going forward. The Plan includes actions designed at empowering and strengthening the capacity of the LTACC. Such actions, if they address the needs arising and are undertaken in consultation with members of the LTACC and the Traveller community, are welcome.

The Plan would benefit from a clearer review mechanism and reporting structure so that progress towards achieving the actions can be measured at regular intervals, issues addressed as they arise, and the actions under the Plan aligned with other related activities and planning within the Council.

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

The Plan makes reference to the various methods of assessing the housing needs of Travellers within the Council's functional area and efforts that will be made, in conjunction with partners, to ensure accuracy of the counts. The Commission notes that there are no clear actions to meaningfully analyse the efficacy and accuracy of the current methods with a view to wider structural changes to the approach. The Council could give consideration to such actions being taken in conjunction with other local authorities and/or national bodies.

The Plan includes a new action to obtain more detailed information on the circumstances of the housing applicants. The Council's review to ascertain the level of overcrowding tackles an important issue of concern, and the Commission welcomes the Council's intention to use this information in the development of its three-year capital programme.

The Plan includes an objective to keep more accurate records of Traveller needs and preferences in real time and between plan preparation periods. The Commission welcomes this objective and invites greater detail on what specific actions will be needed in order to achieve it, and how that data will be used in order to improve housing delivery to Travellers in the Council's functional area.

The Plan would have been strengthened by greater detail on how the information gathered from various sources will be used and which stakeholders will have what roles in delivering on the TAP.

Accuracy and completeness of the TAP

There is considerable focus and detail in the Plan on activities related to the forthcoming TAP. The Council's focus on the preparatory and planning period with respect of the TAP is welcome as is the Council's priority of getting accurate information on housing need which is directly relevant to ensuring the TAP properly reflects and can meet that need.

The Commission notes that the Council anticipates that some Travellers will not wish to engage. This is a concern that warrants further consideration in the Commission's view. It may be appropriate to consider engaging an independent expert to help identify any reasons why individuals will not engage with the process of completing housing application forms, and for the Council to act on any recommendations arising.

The Commission acknowledges the delivery of 125 units of accommodation to Travellers over the lifetime of the current TAP and notes the ongoing capital works to be completed in 2023. The Commission welcomes provision of accommodation that meets the needs and true preferences of the Traveller community and notes the deficits that arise in delivery of new Traveller specific accommodation.

The Commission welcomes the partnership approach being taken by the Council to promoting engagement in the planning for Traveller accommodation. It is noted that regular reports will be provided to the LTACC on accommodation need by type and progress reports on delivery. The Commission notes the Council's commitment to engage in consultation on the TAP in line with the statutory and departmental guidelines, and welcomes alternative actions such as focus groups and collaboration with partners as a way of promoting greater engagement in the planning process by the Traveller community. The Commission welcomes engagement with external groups provided it is approached in a proactive and constructive manner, and that such groups have the necessary support and capacity to engage positively.

The Commission welcomes the Council's commitment to work with Traveller families in halting sites and group housing schemes to extend the group/halting site to accommodation additional bays/units for the extended family units but notes that several caveats apply to this action and these risk undermining the overall level of commitment. The Commission considers extending such sites as an important way of responding to new family formations, maintaining delivery of Traveller accommodation and averting Traveller homelessness.

In summary, the Commission welcomes the focus and priority given in the Plan to preparation of the TAP and invites concerted activity across various teams of the Council that will be needed to deliver on the targets, specifically in relation to delivery of Traveller specific accommodation.

Provision of appropriate and accessible homeless services

The Plan reports on various existing supports to Travellers who are at risk of or experiencing homelessness and the Commission welcomes the provision of such supports and the plan to work to raise awareness of them amongst the Traveller community. There is welcome recognition in the Plan that some Travellers do not access these services and that establishing the reasons for this could lead to identifying barriers to access.

The Commission welcomes the involvement of Travellers and their representatives in any review of access to these services. It is helpful to have a commitment included in the Plan to feed any findings from the review into the relevant regional strategy on combatting homelessness.

The Commission welcomes the Council's commitment to engage in research to identify key challenges, issues and constraints that have led to homelessness amongst Traveller families and to seek solutions to address issues arising. There is likely to be value in the Council cooperating with national bodies and other local authorities to identify any resources or best practice that could strengthen the response in that regard.

There is reference in the Plan to presentation of template information with respect of homelessness to the LTACC. The Commission has not identified any active role for the LTACC with respect of this issue and this is a potential oversight.

The Plan does not address the question of provision of culturally appropriate homeless accommodation to Travellers experiencing homelessness. Given the size of families, the close knit nature of the community, and the frequent preference for culturally appropriate accommodation, the Commission believes that the Plan could be strengthened by inclusion of measures to properly engage with and address this issue of concern.

Traveller participation in estate management

The Commission notes the reference to supports provided to tenants with respect of estate management and welcomes the Council's commitment to reviewing the success or otherwise of previous and existing tenant participation programmes. The inclusion of any findings to improve activity in the area as an action under the forthcoming TAP is a welcome commitment. The Commission considers participation of the Traveller community

as crucial to promoting positive estate management and encourages a consultative and collaborative approach.

Promoting the practical implications of Traveller ethnicity

The Commission welcomes the Council's commitment to formalising its existing initiatives to support Traveller culture and engagement and notes the proposed inclusion of the actions in the forthcoming TAP and its partnership approach.

The Commission notes the stark lack of progress with respect of promoting animal husbandry and notes the plan to support an NGO to explore options to develop and manage such facilities including in relation to horse ownership. The Commission is concerned that there is a lack of detail in the proposed action and a lack of clarity as to what support the Council will provide to any NGO by way of funding and capacity-building. As such, the action does not appear likely to lead to any improvement in Traveller access to land for horse ownership and animal husbandry and risks outsourcing the issue without any clear plan for meaningful progress.

The Council makes reference to a range of social and community supports for Travellers and the Commission welcomes the intention that these activities be formalised by way of inclusion in the forthcoming TAP. The Commission welcomes the Council's support of the Traveller Education Initiative.

The Council's proposed actions with respect of researching the level of spend on maintenance, repair, grants and loans, is linked in the Plan to the high level of spend on caretakers at each halting site, who deal with littering, dumping and general caretaking. It is not clear from the Plan what purpose the research will serve and how it will identify the underlying reasons for the need for caretaking. The Commission considers that greater engagement with residents on the relevant site in order to ascertain the underlying issues would be an appropriate starting point.

The Commission welcomes the provision of supports to promote access to housing services and supports by Travellers and notes the Council's intention to explore and include new provisions in the forthcoming TAP.

The Commission notes the range of measures the Council has referenced in the Plan to promote Traveller culture. There is less emphasis on promoting positive relations between

the Traveller and wider community and further actions designed at promoting inclusive communities more generally would strengthen the Plan.

Provision of transient halting sites

The Council's commitment to review attitudes towards transient halting sites with all relevant stakeholders through the LTACC and to progress this where appropriate is acknowledged, however there is a complete lack of detail on how this review will be undertaken and how it will ensure the views of Travellers are properly canvassed. The Commission welcomes the Council's commitment to cooperate with any national initiative in respect of a network of transient sites when progressed but again notes the absence of clear actions in this regard.

Provision of a Caravan Loan Scheme

The Commission is very concerned to note that there was no uptake of the Council's Caravan Loan Scheme by Travellers in Tipperary during the pilot period. The Commission is further concerned at the lack of detail and urgency in relation to assessing the accessibility and workability of the current scheme, and/or alternative provision, notwithstanding the pending review by the DHLGH.

It is further noted that the Plan commits only to reviewing the DHLGH's evaluation and of then advising the community in what is stated in very general terms to be:

"the most effective manner possible."

There is an absence here of commitment and focus on ensuring a Caravan Loan Scheme, or possible alternative, is workable and accessible by Travellers and as such, the Commission believes this aspect of the Plan fails to properly engage and address the issue of concern.

TAP provision for Travellers on the roadside or on unofficial sites

The Council provides details of actions in relation to this issue although it was not included in the issues of concern in the invitation of the Commission dated November 2022. Notwithstanding this, the Commission welcomes engagement on the issue and

acknowledges the Council's stated action to engage and identify accommodation for Travellers who are residing on the roadside or an unofficial site. The Commission welcomes engagement with affected families that promotes access to culturally appropriate and/or accommodation of their preference.

Introduction of the ethnic identifier

The Commission notes the Council's commitment to promote use of the ethnic identifier by Travellers but sees an absence of detail on how this will be achieved. In the Commission's view, data collection on ethnicity is a sensitive area that should be approached in an appropriate, considered and informed manner. The Plan lacks coherent actions designed to promote use of the ethnic identifier and does not provide detail on how the data will be used.

Engagement with Traveller community in accessing services

The Council did not address this heading directly in its Plan but under other headings the Commission noted a reasonable level of detail on its service provision to Travellers, including a multi-disciplinary element. The Commission welcomes planned actions to review accessibility of homeless services and make improvements both at the Council level and to feed into the regional homeless plan.

Recording of data on allocated funds

The Council did not respond directly under this heading although relevant information was provided under a monitoring and review heading.

The Commission welcomes the commitment to maintain accurate records on spending on Traveller accommodation and places considerable importance on the provision of detailed financial information in a transparent manner.

The Commission notes that the Council proposes to continue its current financial reporting on expenditure across all service-delivery areas including Traveller accommodation and services. The Commission regrets the lack of detail on what breakdown of data will be reported on and if it will be publically available.

The Commission is unable to identify clear changes in practice in this area pursuant to the Plan and believes the Plan would be strengthened by greater clarity and transparency in relation to reporting of draw down, allocation of funds and expenditure on different forms of accommodation and on refurbishment of Traveller specific accommodation.

Operation of new procedures pursuant to Circular 03/2020

The Commission notes the absence of any action or reference in the Plan to the Circular, and believes the issue of concern has not been adequately considered or addressed.

Operation of the LTACC

The Commission welcomes the actions contained in the Plan to evaluate and review the working of the LTACC, including provision for amending its Terms of Reference. Provision of support to NGOs to promote engagement of the Traveller community, together with planned training of LTACC members are both welcome, however the Commission notes a lack of overall detail and coherence across these actions.

The Commission is cognisant of the statutory function of the LTACC and as such, believes there is an imperative to ensure the LTACC functions effectively and supports the overall work of the Council in respect of provision of accommodation and services to Travellers. As such, the Commission considers that the Plan would be strengthened by further time-bound and specific measures to review and promote the effective functioning of the LTACC.

Monitoring and feedback activities

The Plan provides detail on monitoring and feedback activities. The Commission welcomes actions that seek to information share with Travellers accessing housing services. The Commission notes, however, that the actions under this heading appear to emphasise managing the expectations of Travellers with respect of capital projects and observes that the actions may have greater relevance if they were more clearly linked to the issue the action was seeking to address.

Organisational Equality Arrangements including Equality Policy and Training

The Commission welcomes the commitment in the Plan to train staff on equality and non-discrimination and notes that the Human Resources unit appropriately has ownership of this action.

The Commission notes the ongoing review of the Allocations Scheme, Tenant Handbook and ASB policy and the proposal that this review will take account of equality considerations. Whilst this review is welcome, the Commission notes the absence of clear commitment and related action to develop an equality policy and to include an equality statement in the forthcoming TAP, the Allocations Scheme and other relevant policies. The Commission considers such action to be achievable, core actions and would welcome a commitment by the Council to embed clear equality statements in its core corporate and housing policies.

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 Council, in the preparation, development and proposed implementation of the Plan, has demonstrated a clear understanding and commitment to its statutory obligations with respect of the PSEHRD. The Plan is aligned with the Council's Public Sector Duty Action Plan, which is informed by an assessment of equality and human rights issues. The Plan also links to an inter-agency collaborative project with a focus on Traveller and Roma accommodation and the PSEHRD.

With respect of the detail contained in the Plan, the Commission welcomes the commitment to roll out appropriate training on the PSEHRD to key staff and elected members who work with the Traveller community. While the Commission welcomes an action to encourage staff and councillors to view and use the Commission's online guidance tools and resources, further concrete actions that are measureable and achievable would strengthen the Plan.

The Commission welcomes the commitment to build consideration of human rights and equality obligations into business planning processes for housing delivery for Travellers, including in the areas of housing assessment, allocation, grants, loans, rental management, estate management and community development, and notes that a clear equality statement in key organisational documents may ensure that such processes adhere to these core obligations.

Conclusion

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 welcomes the Council's considered actions, in particular the considered focus on fulsome preparation and follow through for the forthcoming TAP so that it reflects the housing need of Travellers and can meet that need through delivery of appropriate housing. It is noted that the forthcoming TAP is expected to document and address a wide range of concerns that are within the scope of the Plan.

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 the low level of activity planned with respect of recording of draw down and reporting on financial expenditure and this is disappointing when the overall context of the engagement of the Commission was prompted by the low draw down of local authorities more generally on funds available for Traveller accommodation.

In the Plan, the Council references the role of NGOs and in several instances indicates that a particular NGO has not fulfilled an expected task. The Commission is aware that NGOs and representative groups are voluntary bodies often without secure funding. As such, the Commission would welcome careful consideration of what supports, financial or otherwise, that may be required to ensure any voluntary body is in a position to deliver on any core action. This is noteworthy particularly with respect of animal husbandry projects.

The Commission considers the proper functioning of the LTACC to be a core priority and recommends that the proposed review be pursued as a priority.

The Commission considers there to be a potential missed opportunity with respect of organisational equality arrangements and would welcome a more coherent and organisation-wide approach to human rights and equality considerations are key in decision-making and service-delivery to Travellers.

Appendix 1

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 and pursuit of initiatives to strengthen and improve relations between the 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. 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 and cooperation with adjoining local authorities in order to identify the preference and need for, and coordinate provision of transient sites in the region 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.

- g. 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 any Caravan Loan Scheme;
 - ii. expenditure under any such scheme;
 - iii. the number of applicants to any such 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. any evaluation undertaken of any scheme, and actions planned or proposed on foot of the findings of any such evaluation;
 - v. details of the communication of any ongoing Caravan Loan Scheme to members of the Traveller community within the functional area of the Council in an accessible manner;
 - vi. the funding arrangements for any ongoing Caravan Loan Scheme;
 - vii. any consideration of the Caravan Loan 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 any scheme in its current form.
- h. Please clarify the steps taken to date, or planned, to respond to the introduction of the ethnicity identifier in the application form for social housing support, including:
- i. informing members of the Traveller community of the option to self-identify in the social housing application form;
 - ii. collection and analysis of this data by the Council; and
 - iii. use of the data to strengthen and inform decision-making including in relation to spending on provision of Traveller-specific accommodation and related services.
- i. Please clarify the steps taken to date, or planned, to introduce new or updated practices to support members of the Traveller community in their engagement with the Council on housing issues, including to:

- i. enhance the accessibility of service provision to members of the Traveller community, for example by way of drop-in and phone 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;
 - ii. 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 arising; and
 - iii. arrange regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
- j. Please clarify the steps taken to date, or planned, regarding the recording of data specifically on funds allocated and drawn down, including:
- i. clear and transparent recording of data on funds allocated and drawn down for Traveller-specific accommodation, and separately for those for general accommodation for all housing applicants;
 - ii. implementing procedures that enable the Council to take account of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the varying costs of different forms of accommodation; and
 - iii. recording and reporting on the draw down and allocation of funding for the refurbishment of existing Traveller-specific accommodation, i.e. separate to the general draw down and allocation of funds for new Traveller-specific accommodation, and separate to the funding from general housing funds for provision of housing to members of the Traveller community.
- k. Please clarify the steps taken to date, or planned, to assess and analyse the operation of new procedures set out in Circular 03/2020 (from the Department of Housing) on the rate of draw down of funding for Traveller-specific accommodation, including to measure the effectiveness of the new system for 2022, 2023 and beyond, and addressing any issues arising.

- I. Please clarify the steps taken to date, or planned, with regard to the work of the LTACC, including to:
 - i. empower the members of the LTACC and promote the accessibility of the LTACC;
 - ii. promote Traveller engagement, participation and representation on the LTACC; and
 - iii. build the capacity of the LTACC and support its members in fulfilling their role.
- m. Having regard to the Equality Review and related recommendations, the Council is in particular invited to clarify the steps taken to date, or planned, regarding:
 - i. the development and implementation of its equal status policy;
 - 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.
- n. 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