

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



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

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Contents

Glossary.....	2
Introduction.....	4
Section 1 Key areas of interest.....	6
Section 2 Issues arising.....	14
Section 3 Recommendations.....	24
Appendix 1	27

Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

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

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

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

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

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

CBL: Choice Based Lettings

CDP: Community Development Project

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

CLO: Community Liaison Officer

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

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

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

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

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

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

SEO: Senior Executive Officer

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

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SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

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

In June 2019 the Commission invited Carlow County Council (the 'Council') to undertake an equality review in the following terms:

1. That the Council would conduct an audit of the level of equality of opportunity and/or discrimination that exists in relation to members of the Traveller community who wish to avail of Traveller-specific accommodation, having regard to the drawdown by the Council of capital funding provided by the Department of Housing, Planning and Local Government for the provision of Traveller-specific accommodation having regard to the Council's obligations under the ESA; and
2. That the Council would conduct a review of its practices, procedures, and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services to Travellers to determine whether those practices, procedures and other relevant factors are conducive to the promotion of equality of opportunity for these service users having regard to the Council's obligations under the ESA.

In conducting any equality review, the Commission requested that the Council would address and report on a number of specific issues. (See [Appendix 1](#))

The Council submitted its initial Equality Review response to the Commission on 08 November 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 04 June 2020.

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

It comprises three sections, namely:

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

Section 1 Key areas of interest

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

The Council states that it established a new LTACC following the local elections, which were held on 24 May 2019, in accordance with Circular letter 24/2019. The LTACC advises in relation to the preparation and implementation of any accommodation programme.

The Council states the LTACC meets quarterly and will monitor progress on the delivery of the 2019-2024 TAP, including carrying out a review after two years and any necessary corrective action will be taken. It also advises on the management of accommodation of Travellers and provides a liaison between Travellers, members and officials.

The Council reports that it established a TIG, which is facilitated by the Council's Community Development Section with the support from the DoJ. TIG members include representatives from the Traveller community and a wide variety of agencies, including Tusla, the Garda Síochána, St. Catherine's Community Services Centre, the DSP, Carlow Traveller Forum, Carlow-Kilkenny Education and Training Board, the Council and the HSE.

The Council explains that the group monitors the implementation of the actions contained in the strategy through the following thematic groups, which were established to oversee implementation under the following headings: accommodation and relationships; education; community development and arts; employment; training and business opportunities; and health and lifestyle. It states that funding applications are made to the DoJ each year for projects, with matching funding coming from the agencies represented on the TIG.

The Council advises that the TIG continues to work on the implementation of actions as outlined in their strategy. The group reports to Carlow Local Community Development Committee on this strategy.

The Council reports that it has a Tenant Liaison Officer, who liaises with all tenants of the Council throughout the county including members of the Traveller community. The Council states that it fosters good working relationships between local communities and the Council. It states that it liaises with other agencies to prevent anti-social behaviour and promote good estate management. The Council reports that it offers other services to all within its functional area, such as advice and information, tenancy sustainment service, housing first, homeless support and intervention worker and HAP Place Finder.

The Council reports that local authority social workers uphold the principles of CORU's Code of Professional Conduct and Ethics for social workers and provide a professional social work service to housing department service users. This service ranges from providing housing advice and information, to the provision of targeted social work intervention and support. It also carries out assessments with a view to making recommendations to the housing department that facilitates the matching of resources to the needs of service users, identifying and addressing service users' needs and supporting social inclusion and community development. According to the Council, the social worker also engages in both case and project based inter-agency work, providing a link between the Council and other stakeholders. The social worker also participates in the development of policies.

The Council also confirms that members of the Traveller community have access to a pre-tenancy training programme and are a target group under the SICAP.

The Council states that its TAP 2019-2024 aims to meet the level of need identified within this programme in the context of the resources made available to the Council. According to the Council, the current TAP states that, as with the previous TAPs, the general trend in terms of accommodation need, is for standard social housing.

The Council states that while Traveller-specific accommodation will be provided, where possible, in accordance with expressed wishes of Traveller households on the Council's housing list, the main source of accommodation units over the lifetime of this plan will be standard social housing in its current context, which includes, standard local

authority accommodation, accommodation provided by AHB and leased accommodation through HAP and RAS.

The Council reports that it makes loans available to Traveller families who wish to acquire a caravan as part of meeting their housing needs, as well as first time loan applications and the tenant purchase scheme.

In the event of an emergency or family crisis, the Council advises that it may provide appropriate emergency accommodation on a short-term basis to meet the needs of the individual or family concerned.

In the letter of clarification of 04 June 2020, the Council states that it recognises the importance of engaging with Traveller representatives in the annual Traveller survey and preparation of the TAP. This information is acquired by the local authority from Travellers themselves. According to the Council, Traveller representative groups are best placed to assist in this work to ensure that all families are captured in the administrative area of the local authority.

B. Comparison of funding to comparator group

The Council estimates that members of the Traveller community constitute 0.9% of Carlow's population.

In respect of capital expenditure on Traveller-specific accommodation during the period 2015 to 2018, the Council provides the following figures:

- Total allocation:	€505,645
(claim for additional €149,300 outstanding as of November 2019)	
- Expenditure incurred by Council:	€651,463
- Funds drawn down:	€152,911
- Outstanding sum to be drawn down, as of November 2019:	€349,252
(total sum to be drawn down of €502,163)	

No sum had yet been allocated for 2019, but it is reported that, as of November 2019, €435,101 was drawn down.

In respect of current expenditure for Traveller-specific accommodation for 2015 to 2018, no figures were set out in Table 2 in respect of sums allocated by the DHPLG. The Council expended €355,149, of which €109,146 was recouped in drawdowns from the DHPLG.

In respect of capital expenditure for general housing for the same period, total expenditure amounted to €30,495,703. This comprised €29,154,166 funds drawn down and an outstanding balance due of €1,341,537. No figures were included in Table 3 in respect of sums allocated.

The Council expended €4,783,858 of local authority funding on current expenditure for general housing from 2015 to 2018. No sums were set out in Table 4 as being allocated by or drawn down from the DHPLG.

The Council reports that the Scheme of Allocation Priorities facilitates members of the Traveller community to be included on the general housing list, in addition to the Traveller-specific accommodation list. It advises that Traveller families have access to both a list for Traveller-specific accommodation and to a general list for the various social housing supports, i.e. social housing provided by the Council and AHB, RAS, and HAP.

The Council's TAP 2019-2024 provides for the Council to:

"offer one in 10 vacancies in social housing to Traveller families where appropriate".

Having regard to the numbers of Traveller households seeking standard social housing, the Council states that it acquired 10 houses to meet the needs of Traveller families at a cost of €1,149,628, which was recouped from the DHPLG under the SHIP and the Council also spent €6,750 from its own resources in respect of the provision of a caravan loan.

It is stated that the Council and the AHB have a planned programme for 2020 and 2021, which is anticipated to deliver approximately 400 units. The Council asserts that its

policy, under the TAP 2019-2014, of allocating (where appropriate) 10% of allocations to Traveller families will result in 40 units being made available during these 2 years.

The Council highlights two points to the Commission on this issue:

- The Council states that the analysis of expenditure on the TAP is primarily limited to capital expenditure and there is very limited acknowledgement of the amount of expenditure incurred by the Council on issues such as management and maintenance, waste management, fire services, estate management, and control of dogs and horses, which represent significant expenditure by the Council to enable Traveller households to sustain their tenancies and be active members of their local community; and
- According to the Council:

“the actions of a small minority of Travellers can impact on the Council's ability to develop Traveller-specific accommodation and standard social housing”.

C. Adequacy of funding

The Council states that the target for the 'Estate/Group Houses/Voluntary' category of accommodation was exceeded, however the target for 'Other/Private Rented/RAS/Leased' was not achieved. It states that this is reflective of the difficulty in accessing the private rented market through use of HAP and RAS having regard to a shortage of accommodation, which is reflected in the fact that the Council's overall HAP and RAS targets for the same period were not achieved.

The Council reports that it has completed all planned projects for the provision of Traveller accommodation for which it applied to the DHPLG for funding for the years 2015-2018, except for one project in 2016. It explains that the reason for this was that Part 8 planning permission was not approved in that case. The source of funding for these projects varied between TAP and SHIP.

In addition, the Council states that 10 houses have been purchased at a cost of €1,149,628 for specific Traveller accommodation needs as part of the Housing Delivery Programme under Rebuilding Ireland and one caravan loan was approved and funded from the Council's own resources.

D. Whether all funding allocated drawn down

The Council states that, as of November 2019, all allocated funding had been drawn down or is awaiting processing in the DHPLG to be drawn down.

The Council adds that the general trend in relation to the need as expressed during the assessment of need process for recent TAPs is for standard housing. It explains that the difficulty in securing HAP and RAS accommodation, due to the current housing market in Carlow and the lack of resources for social housing programmes until recent years, has had a greater impact than the drawdown of funds.

The Council states that the Equality Review process has highlighted a number of key challenges, including:

“The focus on whether the Council is drawing down funding for Traveller-specific accommodation while ignoring the fact that the majority of Travellers have indicated a wish to avail of standard social housing and that funding is being drawn down under SHIP and other programmes to meet their needs”.

In the Council’s letter of clarification on 04 June 2020, it states that the DHPLG, as *per* Circular 03/2020 dated 24 January 2020, has reviewed the budget allocation process in line with the commitment in Rebuilding Ireland and following the commissioning of a review by the Housing Agency for funding for Traveller-specific accommodation. The Council states that to facilitate ease of access to funding for Traveller-specific accommodation, the DHPLG will no longer allocate specific budgets to individual local authorities. Instead it is open to all local authorities to apply for and draw down funds at any time throughout the year in adherence with the single stage and 4-stage approval processes on a case by case basis.

The Council reiterates that within the TAP the majority of Traveller households are seeking standard housing and Circular 03/2020 also provides for the consideration by the DHPLG of funding of such applications by the local authority for Traveller-specific capital provision in certain circumstances and satisfying certain criteria including the provision of a clearly identified need and outlining why any alternatives were not considered appropriate.

E. Any further issues of equality of opportunity

The Council states that intercultural awareness training is offered on an ongoing basis from St. Catherine's Community Services Centre in Carlow, which is attended by staff from the Council.

The Council identified several challenges which it will face in delivering on the TAP 2019-2024, which included:

- Availability of land in Carlow urban area;
- Availability of one-off rural houses;
- Meeting the expectations of Traveller families;
- Resources, both capital and human; and
- The need to provide support for families transitioning into standard housing.

The Council states that, within available resources, it is its policy to provide group and standard housing options as well as halting sites, temporary/emergency accommodation and single instance houses for the accommodation of Traveller households, 'who are indigenous to County Carlow', in accordance with the assessment of need carried out under the 1998 Act.

The Council states that it recognises Travellers' identity as a minority ethnic group and endeavours to provide accommodation suitable to their specific needs. The Council states that it supports an equality agenda for Traveller households and some of the initiatives in place in this regard are as follows:

- Encouraging active participation and capacity building within Traveller communities;
- Supporting Traveller tenancies to enable the development of sustainable and inclusive communities;
- The attendance of Council staff at cultural awareness training; and
- Sports partnership advocates for Travellers to enable access to sporting opportunities.

The Council states that while its TAP 2019-2014 has a provision that 10% of social housing will be made available to Traveller families (where appropriate), the policy document has not been equality proofed and would benefit from being reviewed to reflect an equality agenda based on Traveller ethnicity.

In the letter of clarification of 04 June 2020, the Council adds that:

“the actions of a small minority of Travellers can impact on the Council’s ability to develop Traveller-specific accommodation and standard social housing due to issues such as anti-social behaviour and the desire to have dogs and horses, which can cause a lot of problems and distress for communities”.

The Council suggests that a potential solution is the engagement of an AHB, such as CENA, who have expertise in the working and management of partnerships with the Traveller community and Councils, who could assist in addressing these challenges.

Section 2 Issues arising

On the basis of the information provided by the Council, as summarised in Section 1, the Commission has considered the following issues arising:

Overview

There is no indication of the process pursued by the Council in preparing the Equality Review. In particular there is no mention of any participation by the LTACC or by local Travellers or Traveller organisations, which would be expected in such a process.

There is no analysis of the practical implications of cultural diversity in the general provision of social housing to Travellers, or reference to initiatives to develop and sustain integrated diverse communities on social housing estates. This is of concern, given the significant numbers of Travellers opting for such provision.

There is no reference to the statutory obligations of the Council under S42 of the 2014 Act: the Public Sector Equality and Human Rights Duty, in the current TAP or the Equality Review.

Assessment and planning

The Council has a structure for the purposes of consulting with members of the Traveller community, including an LTACC and a TIG. It offers the services of a Tenant Liaison Officer, social worker and the following particular services to all, including members of the Traveller community: Advice and Information; Tenancy Sustainment Service; Housing First; Homeless Support and Intervention Worker; and HAP Place Finder. The LTACC is noted as having a role in advising on the provision and management of accommodation. It is noted that there is Traveller representation on the LTACC, however, there is no information provided regarding the number of Traveller representatives, the process by which Traveller representatives are appointed onto the LTACC or the provision of support to enable their informed and

empowered participation or the process for them to have accountability back to the wider local Traveller community.¹

On the other hand, the Council does not appear to have in place robust systems to capture and record the accommodation needs of members of the Traveller community. For the purposes of ensuring equality of access to accommodation services to Travellers, transparent methods of collection and recording of data are crucial. The Council states that it conducts an annual survey of members of this community for the preparation of the TAP. It also states that the TAP demonstrates a general trend in terms of accommodation need among members of this community towards standard social housing. It was not clear how this preference was obtained. There is no independent verification process identified in relation to the preferences and no tracking of these over time reported in the TAP or the Equality Review.²

The TAER found that recording snap-shot or historical data on existing accommodation did not equate to an accurate record of accommodation preferences. Furthermore, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason, feel they have no choice but to apply for social housing. Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its

¹ In June 2021, after receiving a draft copy of this account, the Council has advised the Commission that its LTACC membership structure is as follows: 4 Elected Members; 4 Council Officials; 4 Representatives of Local Travellers/Travellers groups; 1 HSE Representative; 1 DEASP Representative; 3 Traveller Advocate Organisations; and 1 Local Development Company. The Council highlights that DHPLG Circular 24/2019, dated 11 July 2019, on the establishment of LTACCs, provides that the number of representatives of local Travellers/Traveller groups must not be less than one quarter of the membership of the LTACC. The Council further advises that:

“St. Catherine’s Community Services Centre provides support to the Traveller representatives on the LTACC to assist them in the carrying out of their functions on the committee”.

² In June 2021, the Council provided the following clarification in relation to its systems for capturing and recording data:

“As part of the preparation of the [TAP] 2019-2024 surveys were carried out by the Council’s Social Worker to determine the number of Traveller households and their accommodation needs. A Traveller count which is prescribed is also carried out on an annual basis by the Council at the latter part of each year to determine the number of households by accommodation type. There is no requirement on housing applicants to indicate their ethnicity on the Housing Support Application form which is prescribed by the Department other than to indicate, under Part 8 Housing Requirement, for ‘Traveller halting site bay’ or ‘Traveller group housing’”.

record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies.

According to the current TAP, the Council under the heading 'Indigenous Requirement' requires that:

"all applicants [for social housing supports] provide proof of residency in Carlow for a minimum period of six months prior to eligibility for acceptance on its Housing List".

The inclusion of this conditionality is a concern, having regard to the provisions in relation to local connection requirements for the general population under the *2011 Assessment Regulations*.

Moreover, a requirement of being 'indigenous to County Carlow' should be applied in light of the findings of the High Court in *McDonagh v. Clare County Council* [2002] 2 I.R. 634 in which it was held that:

"a residence or indigenous policy ... must not be applied so rigidly that it becomes an effective bar to any consideration by the housing authority of an application for housing by a member of the Traveller community".³

Drawdown of funds

On the basis of the figures provided, funding drawn down for capital expenditure in respect of Traveller accommodation proportionately exceeded that drawn down for general housing. The figures for Traveller accommodation funding may not reflect the full funding expended to meet the accommodation needs of members of the Traveller community. The Council reported that funds were also sourced in other funding schemes for standard accommodation. In its TAP 2019-2024, the Council included a provision that it will offer one in 10 vacancies in social housing to Traveller families, where appropriate. Its target for the '*Estate/Group Houses/Voluntary*' category was

³ In June 2021, the Council has advised the Commission that the section relating to the 'Indigenous Requirement' will be removed from the TAP 2019-2024 when it is reviewed later in 2021. The Council advises that the 'Indigenous Requirement' requirement '*is noted and is not taken into account when assessing members of the Traveller community or any other individual for housing supports in accordance with the 2011 Assessment Regulations as amended.*'

exceeded. While the target for 'Other/Private Rented/RAS/Leased' was not achieved, the Council stated that this was reflective of the difficulty in accessing the private rented market through use of HAP and RAS, having regard to a shortage of accommodation. The Council reported that it completed all planned projects for the provision of Traveller accommodation, except for one project in 2016, as Part 8 planning permission was not approved.

None of the drawdown figures provided by the Council in respect of capital expenditure on Traveller-specific accommodation during the period 2015 to 2018 were equal to the sum allocated. Where the allocated sum was included the corresponding draw down figure was always less for this period.⁴ However, in respect of some draw down figures, no corresponding allocated figure was included.

Overall, the review reports an overspend in its TAP allocation for the period 2014-2018. During this period the Council was allocated €505,645 and spent €651,463. The majority of this expenditure was refurbishment to existing units.

The Equality Review notes that the Council's targets for the 2014-2018 TAP were exceeded in the 'Estate/Group Houses/Voluntary' category (26 families accommodated over an initial target of 20 families). Neither the Equality Review, nor the TAPs, however, provide detail in regard to the breakdown of this output across these three sub-categories of provision. Given that only one of these options, group housing, is Traveller-specific accommodation, it would be important to ascertain how many of these 26 families were accommodated in group housing over this period.

An examination of the 2014-2018 TAP indicates that while approximately 7 Traveller families expressed a preference for group housing, the Council notes that:

⁴ In June 2021, the Council has advised that:

"It should be noted that dwellings acquired under the SHIP Social housing capital delivery programme for Traveller accommodation is based on acquisition cost guidelines and funding is drawn down when the sale is complete. Funding under Traveller-specific accommodation allocations used to be advised by the Department on an annual basis, however this has changed in 2020 and Circular 03/2020 refers. The reason why the allocation figures differ from funding drawn down is that in some instances the work did not proceed or works came in under budget".

“lack of funding for the foreseeable future precludes group housing as a likely housing option in the course of this Programme ”.

It is assumed, therefore, that none of these 26 families accommodated in 'Estate/Group Houses/Voluntary' housing were accommodated in group housing.⁵

The Equality Review identifies that a proposed refurbishment of two bays (to a single dwelling) at Ardristan halting site, did not proceed in 2016 due to Part 8 planning being refused.⁶ The reasons for this refusal are not, however, explained in the Equality Review. It would also be useful for the Council to record the reasons why Part 8 planning was refused, as this could help to identify how this difficulty could be overcome.

While all funding allocated by the DHPLG for Traveller-specific accommodation was drawn down or was awaiting processing, the Council drew attention to changes in draw down procedures introduced by Housing Circular 03/2020. This introduces two key changes:

- To facilitate ease of access to funding for Traveller-specific accommodation, the DHPLG will no longer allocate specific budgets to individual local authorities. Instead it is open to all local authorities to apply for and draw down funds at any time throughout the year in adherence with the single stage and 4-stage approval processes on a case by case basis; and
- It also provides for the consideration by the DHPLG of funding of standard housing applications by the local authority for Traveller-specific capital provision in certain circumstances and satisfying certain criteria including the provision of a clearly identified need and outlining why any alternatives were not considered appropriate.

Implementation

The Equality Review indicates that '58% of households had their accommodation needs met' during the period of their 2014-2018 TAP. The main reason noted for this shortfall was the underachievement in the private rented sector targets (a target of

⁵ In June 2021, the Council advised the Commission that of the 26 families accommodated during the period 2014-2018, 6 were accommodated in group housing.

⁶ In June 2021, the Council advised that one of the bays was subsequently refurbished in 2018 and that planning was not required in that instance as the cost of that project fell under the Part 8 threshold.

accommodating 87 families in private rental market versus an achieved output of 29 families). The Equality Review notes that this:

“is reflective of the difficulty in accessing the private rented market through use of HAP and RAS”.

The review offers no further detail, however, in regard to what these ‘difficulties’ are. It would be useful to have data on whether access to HAP/RAS was more difficult proportionately for members of the Traveller community. The TAER found that members of the Traveller community face higher levels of discrimination than members of the settled community in accessing such housing options.

It would be useful to identify whether issues of discrimination are at play, and if so, what the response of the Council is in this regard. Given the high levels of discrimination experienced by Travellers in attempting to access private rented accommodation, together with the emphasis on this type of provision by local authorities, through the HAP and RAS schemes, it would have been beneficial for the Equality Review to provide some analysis in this regard.

In its current TAP, the Council notes that there is now ‘no preference for group housing’. The Equality Review, however, fails to mention this issue. It is unclear, therefore, as to what is driving the change in families’ preference regarding group housing and whether it might be due to them no longer expecting that such options will be provided for by the Council, as opposed to a true preference.

This issue of preference for standard housing is something that would have been beneficial to examine in the Equality Review. However, the issue of preferences is not addressed.⁷

In respect of some members of the Traveller community who had indicated a preference for social housing, there is evidence of a lack of communication between

⁷ In June 2021, the Council has advised the Commission as follows in relation to the issue of preferences: “During the preparation of the [TAP], members of the Traveller community would have made their accommodation preferences known which indicated that standard housing was their preference rather than group housing schemes. Also, the housing needs assessment interview is carried out by the Council’s social worker where the individual(s) have an opportunity also to indicate their housing preferences”.

these individuals and the Council in terms of an understanding of what social housing entailed and whether these individuals had any further specific accommodation needs. The Council stated that issues had arisen in respect of anti-social behaviour and the desire to have dogs and horses in standard social housing. The desire to retain dogs and horses must be recorded as part of the accommodation preferences of members of the Traveller community. If these are not factored into the equation at the assessment of need/planning stage, it is inevitable that this will give rise to difficulties at the implementation stage. The engagement of CENA for advice in creating appropriate solutions for varying accommodation needs is a welcome proposed step on the part of the Council. It is noteworthy that the current TAP identifies one Traveller family having moved out of standard housing to live on the roadside so that it could have horses. It is of concern that such issues are not raised in the Council's Equality Review.

In its Equality Review and its current and previous TAPs, the Council refers to the changing preference among Travellers for standard housing rather than Traveller-specific accommodation. The current TAP further notes that while Traveller group housing 'has provided a very positive, culturally sensitive' option in the past, 'difficulties have arisen' and:

"current assessment of housing need indicated that there is no preference for group housing".

This issue is not, however, flagged or examined in the Equality Review.

In its response to a request from the Commission, for further information, the Council notes that:

"the actions of a small number of Travellers can impact on the Council's ability to develop Traveller-specific accommodation and standard social housing due to issues such as anti-social behaviour, and the desire to have dogs and horses which can cause problems and distress for communities".

It is of concern that aspects of Travellers' cultural identity, such as horse ownership, are framed as being problematic in nature, and no detail is offered in regard to whether and how such issues are addressed by the Council in a manner accommodating cultural

diversity. The review notes that a 'potential solution' is the engagement of CENA who could assist the Council in this area, however, no detail is offered as to why such support has not been accessed by the Council, given that this approach is identified as a potential solution.

The Equality Review notes that the Council's ability to deliver on its current TAP will depend on a number of issues such as availability of resources and land. A further issue mentioned in this regard is 'meeting the expectations of Traveller families' and the:

"need to provide support for families transitioning into social housing".

No detail is provided, however, regarding the nature of Travellers' expectations, or the proposed approach to addressing the support needs of families transitioning into social housing.

Homelessness

The current TAP identifies 10 Traveller families living on the roadside (an increase of 9 families from the 2013 assessment) and 6 families living in emergency homeless provision (none were identified in the 2013 assessment). There is no information provided in the Equality Review regarding the Council's assessment of the reasons for this increase or its work to address the increase in Traveller homelessness in its administrative area and to do so in a manner sensitive to cultural difference.⁸

⁸ In June 2021, the Council has advised the Commission that:

"the following reasons have been cited by [its] staff for individuals/families becoming homeless which would be similar to other members of the community: relationship breakdown, family members with complex social/medical issues and a lack of private rented accommodation".

The Council does not detail how Traveller homelessness in particular is being addressed but advises that it has the following staff and resources in place to prevent and address homelessness in general: Homeless Action Team; Homeless Co-Ordinator; Homeless Prevention and Support Worker; HAP Placefinder; Social Worker; Housing First in Place; Focus Ireland - Tenancy Support Services and advice information; and START - Carlow Mental Health Services.

Transient Sites

In regard to transient site provision, the current TAP identifies a current need for '1+', '2 seasonal bays', yet later goes on to note that Traveller families 'did not want transient halting bays in the county'. The issue of transient accommodation is not raised in the Equality Review, therefore, no further detail is offered in regard to families' preferences as noted in the TAP. Given the imperative to respond to the needs arising from cultural difference and the potential importance of transient sites to the nomadic tradition of the Traveller community, it would have been relevant to include detail on this preference issue in the Equality Review.⁹

Supports

In the Equality Review, the Council identifies 'Traveller-specific supports', yet notes that these supports (a Tenant Liaison Officer and the Council's social work team) are servicing all housing department service users in the administrative area. The Equality Review offers no detail in regard to how these generic supports take account of the specific needs of the local Traveller community, arising from their cultural and ethnic identity and having regard to the specific barriers this community experiences in accessing accommodation and other key services.

The Equality Review cites work to 'support an equality agenda for Traveller families' as including '[e]ncouraging active participation and capacity building within our Traveller communities' and supporting 'Traveller tenancies to enable the development of sustainable and inclusive communities'.

There is no detail provided by the Council, however, regarding the types of outcomes for Travellers engaging with these supports, Travellers' experiences of these supports, and, in particular, how these supports are deployed to work with Travellers to assess their accommodation preferences and to support delivery of targets in regard to Traveller-specific accommodation.¹⁰

⁹ In June 2021, the Council has advised the Commission that it currently has a halting site at Bestfield, Athy Road, Carlow which can accommodate 10 transient bays with full sanitary facilities.

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

"TASC have recently been engaged by St. Catherine's Community Services Centre on behalf of the Carlow Traveller Interagency Group, facilitated and supported by the Council, to carry out a

No tenant participation in estate management initiatives, involving Traveller tenants, are reported in the Equality Review.

Needs Analysis in respect of the Traveller community in terms of accommodation, wellbeing, cultural identity etc. and this analysis will inform future policy and access to services”.

Section 3 Recommendations

The Commission recommends that the Council should undertake the following actions to strengthen the level of equality of opportunity and non-discrimination in its systems for the provision of Traveller-specific accommodation services.

1. Address policy and procedure for:

- presenting data in the TAPs and progress reports, in particular: providing detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area; and providing a breakdown, by accommodation type, for accommodation targets and outputs;
- tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation and ensuring a respect for Traveller culture and identity in meeting these;
- establishing appropriate processes for Traveller participation in estate management on Traveller-specific accommodation;
- identifying and responding to the practical implications of the recognition of Traveller ethnicity, for the provision of standard housing including in relation to supporting and sustaining integrated communities;
- identifying and developing culturally-specific responses to the needs of Travellers experiencing homelessness;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
- complete its review of the provisions in relation to 'indigenous Travellers' and the local connection requirements to access housing supports, so that, as *per* its stated intention, the section relating to the 'indigenous requirement' will be removed from the TAP 2019-2014 when it is reviewed during 2021;
- establishing and developing a response to the needs of Traveller who are nomadic within and through the county through the provision of transient halting site bays;

- identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for local Traveller organisations to play a role;
 - identifying and responding to specific needs of Travellers that flow from their distinct culture and identity, particularly in relation to horse ownership; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
 3. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past).
 4. Consider the possibility of employing a Traveller Liaison Officer, in addition to a Tenant Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. This officer could also make efforts to engage with members of the Traveller community on any other issues arising. They could also assist with online applications where members of the Traveller community have no access to the internet. They should have regular meetings with members of the council mandated with housing issues to ensure regular

feedback on accommodation issues raised by members of the Traveller community.

5. Engage the services of an appropriate independent body, for advice on creating a tailored solution to particular accommodation needs where necessary.
6. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

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

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



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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