

An account of the Equality Review carried out by Cork 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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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 Cork 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 03 October 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 03 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 considers consultation in the preparation of the TAP to be essential in order to ensure that the concerns of all those affected by the programme are considered and to ensure a fully comprehensive response to accommodation needs of Travellers is ultimately produced. To this end, it states that relevant stakeholders, including Traveller representatives, were written to by the Housing Directorate in September 2018 giving notice that the Council intended to prepare a draft TAP and inviting submissions in relation to its preparation.

In tandem with this, the Council reports that it conducted a research project to identify the views of Travellers, through surveys that were issued to families as identified by the Traveller census (a copy of this survey is included as Appendix 2 to the Council's TAP 2019-2024). The Council states that this survey was sent to Traveller representative groups for comment prior to its issue. It is stated that 'no Traveller group reverted with any changes.' It states that the response rate for return of surveys was particularly low in relation to this survey. It states that the draft TAP was published on 3 May 2019, with any interested parties invited to make submissions in writing by 4pm on 2 July 2019 (a list of bodies invited to make submissions is set out at Appendix 1 of the Council's TAP 2019-2024). It is reported that five submissions were received.

In the current TAP the Council states that, in respect of those Traveller households, as identified by the annual Traveller census, whose current accommodation was in private rented accommodation, their future needs could be met through HAP, local authority housing, voluntary/cooperative housing, RAS housing, leased accommodation and 'home modifications due to disability requirements'.

The Council states that:

"the preferred housing option for Travellers as identified in the TAP was standard housing".

Data from the 2018 survey are set out in its TAP 2019-2024:

“Looking specifically at accommodation characteristics the vast bulk has had 1 or less previous tenancies. Across the board, those that have left tenancies cited rent, tenancy expiration, personal preference and family issues as the most frequently used reasons given. 17% of respondents are in a halting site with Private Rented Tenancy accounting for 26% of accommodation types. Approximately 31% are in a council house. When contrasted with desired accommodation the surveys show that a standard house is the most favoured at 35% with the percentage preferring a halting site falling to 15% ... The Travellers surveyed did not indicate a preference for transient sites”.

The Council states that it deals with applications for social housing from Traveller households in the same way as other applicant households. It states that once an assessment has taken place and the applicant household is deemed eligible for social housing support, the applicant household is notified and given a user ID and password to access the Council’s CBL system. It states that the CBL system comprises the advertisement of ‘Bid’ dwellings by housing authorities that allows qualified social housing support applicants to express an interest in that ‘Bid’ property.

The Council outlines that:

“all vacant properties, including approved housing body vacancies but with the exception of older persons developments, adapted properties and group housing schemes, were advertised on a weekly basis on the County Council’s on-line web-based system”.

It states that internet facilities have been made available in each of the Council’s three divisional offices in: Annabella, Mallow; Kent Street, Clonakilty; and Floor 4, County Hall, Cork, as well as in area offices in Fermoy, Youghal and Bantry, to assist applicants who do not have access to internet facilities. It states that training in how to utilise the system is available from the Council housing staff for any applicant who wishes to avail of this training.

The Council states in its current TAP that its Allocation Scheme serves to provide a means of determining the order of priority to be considered in the allocation of dwellings. In respect of the housing need assessment, the Council states that due to Departmental guideline changes a re-categorisation of applications on the basis of need was introduced. It states that:

“[a]s a result of this, Travellers as a basis of need category was removed and households were reassigned under alternative criterion for example homeless, medical, elderly, overcrowded etc”.

The Council states that the LTACC generally sits on a quarterly basis and its role is to advise in relation to the preparation and implementation of any accommodation programme for the functional area of the Council, advise on the management of accommodation for Travellers, and provide a liaison between Travellers and members and officials of the Council.

The Council states that invitations seeking representatives from the Traveller community to sit as members of the LTACC issued on 26 July 2019 to the relevant Traveller organisations but that no representatives had been forwarded at the time of the submission of the Equality Review. The Council states that Traveller representatives took the decision not to attend meetings of the previous LTACC since December 2017. It states that:

“requests to the relevant bodies to re-engage with the process were sent during the period but unfortunately Traveller representatives did not re-engage with the process”.

The Council does not provide any further details of the reasons for this.

The Council employs a full-time ‘Social Worker resource’ that is available in the Northern Division to liaise with Travellers with regard to:

- Housing issues that they may have and assisting in the completion of forms, if requested;
- Ensuring that assistance is provided in accessing and utilising the CBL system;

- Advocating on their behalf with regard to their consideration for suitable vacancies as and when they arise; and
- Liaising with the Tenancy Sustainment Officer in order to sustain tenancies or exit homeless services, if in receipt of same.

The Council states that it has a full-time Traveller Liaison Officer in place who liaises with Travellers on all Traveller-related issues on a daily basis. In addition, the Traveller Liaison Officer works with the Estate Management Liaison Officers with regard to complaints of anti-social behaviour and unauthorised encampments, to include initial investigation, liaison with the parties involved, co-ordination of responses/action and escalation through formal process if appropriate. The Council states that the Traveller Liaison Officer participates in the various working group meetings on Traveller accommodation including the LTACC and the Joint Policing Committee and works with various agencies in relation to Traveller issues.

In the normal course of business, the Council states that the Housing Directorate is in regular contact with Traveller representatives and members of the Traveller community in order to make them aware of developments in areas in which they will be affected, e.g. in meetings with Travellers on the Ballydineen site, appraising them, for example, of developments as they arise with regard to this project.

The Council states that where deemed necessary and appropriate housing officials are available on an individual basis to engage with Travellers with regard to their accommodation needs in the same way as officials would deal with any applicant who wishes to discuss their housing needs with a member of the Housing Directorate.

The Council states that it is:

“accountable on the progress on all targets, including those related to capital projects (Group Housing & Residential Caravan Bays/Existing Bays) through a variety of mediums”.

It states that an update on progress on targets is presented to members of the LTACC that meets on a quarterly basis each year and, further to this, the Council reviews its TAPs at least once in each three-year period, or at such time as directed by the

Minister. It states that any amendment to the TAP proposed following any such review must be made within seven months and is subject to the same procedures and requirements of the programme itself, including public consultation.

B. Comparison of funding to comparator group

In Table 1a of the Equality Review, the Council outlines annual capital expenditure in respect of Traveller accommodation between 2015 and 2018, reporting that the total allocation by the DHPLG amounted to €775,508. The Council reports that the total drawdown from the DHPLG amounted to €291,750. The Council states that the projects included works on certain halting sites and fire safety works.

In Table 1b of the review, the Council outlines that the total allocation for annual capital expenditure for Traveller accommodation in 2019 was €323,099. The Council states that the total drawdown figure for 2019 was €64,709, as of October of that year.

The Council outlines in Table 2 the annual current/revenue expenditure for Traveller accommodation for 2015-2018. It reports that the total allocation from the DHPLG came to €402,913 and the total sum drawn down was €394,051. It reports that additional local authority funding came to a total of €713,502.

The Council states that in relation to capital expenditure for general housing, the total allocation for 2015-2018 came to €162,083,005 and the total sum drawn down came to the same amount of €162,083,005.

The Council states that the current expenditure for general housing over the same period, came to €94,527,818 and the total sum drawn down was the same figure of €94,527,818.

The Council, in its TAP 2019–2024, recorded that the census of 30 November 2018 indicated that there was a total of 403 Traveller households living in the functional area of the Council (155 in South Cork, 115 in West Cork and 133 in North Cork).

The Council outlines that the ratio of capital expenditure for Traveller-specific accommodation to general housing was €291,750 : €162,083,005, or 1 : 556. In light of

the lack of general population figures provided, a meaningful comparison cannot be drawn from this.

The Council states that while all sums allocated in respect of capital and current expenditure for general housing were drawn down (for the period from 2015 to 2018), for a large number of Traveller accommodation projects over the same period, the sum allocated was not drawn down: no, or less, money was drawn down for 7 of 10 capital projects; the full sum was only drawn down for 3 of the 10 capital projects; and in respect of current expenditure projects, the full sum was drawn down for 3 of the 4 projects.

C. Adequacy of funding

The Council sets out projected need in Chapter 5 of the TAP 2019-2024, both on the basis of current households excluding future household formations and separately in respect of anticipated household formation.

While the census record of a total of 403 Traveller households living in the functional area of the Council was set out in the TAP 2019-2024, the table at section 5.2 of the TAP suggests a total of 132 families. The Council states that this figure has been adjusted to account for the boundary changes as provided for under the Local Government Act 2019.

The Council states that, while the refurbishment of the halting site in Ballydineen was not achieved during the lifetime of the previous TAP 2014-2018, the targets as set out in that programme with regard to the provision of social housing were exceeded. It states that this was in response to the type of accommodation sought by the Traveller community during the lifetime of the programme.

In a letter of clarification of 03 June 2020, the Council confirmed that, in the majority of interactions that its Traveller Liaison Officer has had with Travellers all across the county, the preferred housing option is standard housing. There was, however, a demand for halting sites in two specific areas: Ballydineen and Ballyannon. The Council states that while there were difficulties in locating an alternative site for the latter, it notes that it was primarily the older members of the family who were seeking halting

site accommodation at this location, while the younger members favoured standard housing.

The Council states that it has also found it challenging to achieve full capacity at other existing sites due to difficulty in obtaining acceptance from existing families on these sites, to other families occupying the vacant bays. An example of this was given of a specific site, which has three unoccupied bays. It also referenced another site, where there were also two empty bays.

The Council observes that guidelines under s. 29 of the 1998 Act in relation to sites for caravans as transient sites have not yet issued. The Council states that it believes that the provision of transient sites is one that should be examined on a national/regional basis.

D. Whether all funding allocated drawn down

The Council states that as expenditure is incurred on capital projects, claims are submitted to the DHPLG for recoupment.

It states that certain capital projects planned to have been completed during the period of the last TAP had not been progressed to completion for a variety of reasons.

The Council states that the Ballydineen halting site specification took longer than expected to be agreed. It states that at all stages of the process, however, the residents of the site were met and kept up to date with progress with regard to the proposed development. The review states that, with regard to the refurbishment of units at 1-5 Rosewood Drive, as of October 2019 this project had been subject to delays, due to obtaining agreement from residents with regard to alternative accommodation during the course of previous works, agreement on the specification required by the residents of these units and problems experienced by the contractor getting access onto the site. The review states that progress with regard to the development of the Ballyannon project in Midleton was delayed due to the need to source a suitable alternative site as the existing site was too small to accommodate the existing families.

The Council states that whilst certain capital projects had been delayed, it had made a number of one-off acquisitions – nine in the last three years – to fulfil a Traveller-specific need. The total value of those acquisitions is reported as €1,800,900 with a further total cost of repairs claimed of €339,348.66, with a claim for repairs for one unit outstanding as of October 2019.

The Council outlines that a number of challenges had arisen in relation to the accommodation of Travellers including the following:

- The lack of larger units of accommodation available for occupation, which is stated to specifically be an issue in relation to four bed units or larger;
- Some applicants have requested that stand alone units are supplied in built up urban areas, in which no supply of such properties exist; and
- Some Traveller families require standard accommodation in geographic areas where there is a scarcity of Council properties and which are areas of high demand across the entire waiting list.

In a letter of clarification dated 03 June 2020, the Council sets out detailed reasons as to why funding allocated for various Traveller-specific accommodation projects was not in fact drawn down. It states that in respect of Ballydineen halting site, funding allocated between 2016 and 2019 was not fully drawn down in each of those years due to difficulties in obtaining a final agreement on the specification for this development. However, it states that Part 8 planning permission had since been obtained and the project was progressing.

The Council states that in respect of the Ballyannon halting site, none of the funding allocated in 2018 and 2019 was drawn down. It states that this project was delayed as the existing site was too small to accommodate the existing families and efforts to source an alternative site had not yet been successful.

The Council states that in respect of the refurbishment of Rosewood Drive, none of the funding allocated in 2018 and 2019 was drawn down. It reiterated that this was due to delays in getting agreement with residents with regard to alternative accommodation during the course of the work, agreement on specification required by the residents in these units and problems experienced by the contractor in securing access to the site.

The Council states that funding allocated to Stag Park in 2018 was not drawn down as this project is no longer going ahead. It states that the DHPLG sought a complete redesign of the scheme and indicated that the costs and low density were inappropriate for the development site. It states that alternative housing options were being considered.

The Council drew attention to Circular 03/2020, by which the DHPLG has modified the allocation of funding process. The Council explains that local authorities are no longer required to provide commitments to inform an allocation process and that all requests for funding will be assessed and approved on a case-by-case basis when submitted by a local authority. It states that local authorities will make formal submissions for new projects when appropriate and the expectation then is that local authorities will ensure prompt progress through the approval processes. It states that, additionally, the DHPLG may consider funding the acquisition of standard housing for Traveller-specific capital provision in certain circumstances that satisfy certain criteria including the provision of a clearly identified need and outlining why any alternatives are not considered appropriate.

E. Any further issues of equality of opportunity

In the letter of clarification of 03 June 2020, the Council stated that its staff had undertaken cultural awareness training.

In respect of the fact that Traveller representatives had not engaged with the LTACC process since 2017, the Council states that it hoped that following the employment of a Traveller Liaison Officer, representatives would begin to re-engage with the process when the LTACC meetings recommenced following the restrictions imposed due to the Covid-19 pandemic.

The Council identifies barriers that could be experienced with regard to providing accommodation for Travellers, in some instances due to the large size of some families and the subsequent size and location of the unit required, the general lack of private rented accommodation and the lack of previous references from other tenancies.

The Council notes that:

“[a] number of Traveller families have experienced challenges when moving from caravans into houses or from rural settings into large estates”.

The Council states that:

“such challenges include but are not limited to having the same financial resources but now having to manage household bills for the first time, children not used to living in estates and their behaviours being viewed as anti-social, large regular family gatherings in the new property and the desire to have dogs and horses in close proximity”.

It states that:

“this can cause distress to both Traveller families and neighbouring families on the estate”.

The Council outlines that:

“a potential solution would be to provide a more multi-agency holistic approach with not just pre-tenancy but also post-tenancy support”.

It states that:

“[s]uch support would include agencies such as MABS, family support workers, tenancy sustainment workers, mental health workers and school liaison officers being engaged depending on what the family and these agencies feel would be most beneficial.’

The Council states that it is of the view that:

“a real focus should be placed on ensuring that local authorities engage the assistance and cooperation of Traveller representative groups when seeking information from Travellers”.

It states that an example of this would be the information required for the annual Traveller survey and the TAP. The Council states that local authorities:

“need the information from the Travellers themselves and Traveller representative groups are best placed to assist in ensuring that such

information is provided by all families concerned in the administrative area of the local authority".

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:

The process of completing the Equality Review

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.

Traveller ethnicity and culture

The Council identifies its recognition of Travellers as a minority ethnic group. However, the understanding of the implications of cultural difference do not appear to extend beyond type of accommodation to be provided. There is no reference to processes to respond to different needs that arise due to cultural difference.

The current TAP states that:

“it is Cork County Council’s policy to directly provide and assist Approved Housing Bodies in the provision of Traveller-specific accommodation for the County’s indigenous Traveller community where possible”.

It is not made clear what ‘indigenous’ refers to or the limitations it might present or if it is applied more broadly to Travellers seeking accommodation in the Council’s functional area. The inclusion of this conditionality is therefore 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 the Council’s functional area 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”.

The Council, in the additional information provided, notes that a number of Traveller families have experienced difficulties in moving from caravans into housing and from rural settings into large estates. These difficulties as identified by the Council include: not having sufficient financial resources; difficulties in managing household bills; family gatherings; and desire to have dogs and horses in proximity.

There is no reference to processes for addressing these issues, in particular to address the need for initiatives to develop integrated culturally diverse communities, involve Traveller tenants in estate management structures, and address the specific needs of Travellers that flow from their distinct culture and identity within a standard housing setting.

The above challenges are evidence of the Council's less than robust system for capturing and recording the accommodation needs of Travellers. Generally, their specific accommodation needs include accommodation for large family units, accommodation near other family members and provision for dogs or horses. These are the accommodation needs that the Council should include at the planning stage in its TAP. Where these needs are not planned for in advance and met, it is inevitable that this will cause concern and distress for both members of the Traveller community and local residents of the settled community.

The current TAP acknowledges that the care and rearing of horses is an 'indelible part of Traveller culture and identity'. The 2018 research on Traveller accommodation preferences identified, from the small numbers responding, that 15% of respondents owned horses. There is reference to a Horse Education Programme developed and delivered by the Travellers of North Cork in 2018. However, there is no further reference to provision to enable Travellers to maintain the traditions of their culture such as horse ownership.

It is noted that the Council arranged for staff to undertake cultural awareness training.

Assessment and true preferences

From the information provided, the Council does not appear to have a robust system in place for capturing and recording the accommodation needs of members of the

Traveller community. It states that the preferred housing option for Travellers as identified in the TAP is standard housing. However, given the marked lack of engagement on the part of both stakeholder organisations and members of the Traveller community, this finding does not seem to be based on robust and reliable data.

The Council indicates that a research project was commissioned to identify the views of Travellers on their accommodation needs. This initiative, while positive, suffered from a very low response rate, with 58 replies from 420 survey forms issued. The Council identifies in the Equality Review that standard housing is the preferred option of Traveller families. However, the Council's research project survey response, even with its low returns, identified that only 35% of respondents favoured standard housing, while 15% of respondents favoured halting site provision (no indication of the remaining preferences is provided). This raises significant concerns as to the quality of data in relation to Traveller preferences that informed the current TAP and raises questions about the Council's conclusion that standard housing is the preferred option of Travellers.

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. For example, the Council notes that there is demand for halting sites in two specific areas: Ballydineen and Ballyannon. It is of concern that both these sites are reported as experiencing significant delays, not only causing hardship but also with the potential to influence and shape accommodation preferences. Difficulties in locating an alternative site for the Traveller families in Ballyannon are noted but the source of these difficulties is not indicated.

Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its record of

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

Planned provision

The planned provision in the current TAP is for: 31 families in standard housing; 2 families in group housing; 9 families in halting site bays; and 26 families in receipt of HAP.

There is a lack of clarity in the data presented by the Council in the Equality Review and associated documentation. The 2018 annual count identified 403 Traveller households, but the survey for the research in the same year on Traveller needs was distributed to 420 Traveller households. This annual count figure of 403 households then translates into a projected need for accommodation for 132 Traveller households. This then translates into an overall target of 68 Traveller families in the TAP, which includes a projected need for a further 16 families. This would appear to suggest an inadequacy in the planned provision.

Prioritisation

The Council reports an effective de-prioritisation of Travellers in relation to access to standard housing. Travellers as a basis of need category, which would be seen as a positive action measure, has been removed from the assessment process and households reassigned under alternative criteria including medical, homelessness, overcrowding and older age. This is reported as being due to Departmental guideline changes. It appears that no specific Traveller related data was compiled as part of this process and that all applicants are treated in the same manner, assessed and a decision made on their applications based on the 2011 Allocation Regulations.

Engagement and consultation with the Traveller community

It is of concern that the Council identifies such a low level of engagement on the part of both representative/stakeholder organisations and members of the Traveller community themselves in the Council's processes for endeavouring to capture the accommodation needs of Travellers. The Council wrote to a number of stakeholder

organisations for submissions on a draft of its current TAP, but states that it only received five submissions.

The Council also commissioned an independent research project to identify Traveller situation and views in relation to accommodation provision to inform the planning process for the TAP. Traveller groups were invited to comment on the survey questionnaire. However, the response rate was low, at 58 of 420 survey forms issued. The survey was lengthy and complex and this initiative might have been strengthened through a different application methodology for the survey.

The LTACC sits on a quarterly basis, however it is of concern that Traveller representatives took the decision not to attend meetings of the LTACC since December 2017. The reasons for this were not clear from the Equality Review submitted. No explanation is given for this and no convincing strategy is suggested for its resolution.

There is a deficit in the approach adopted by the Council to consulting with Travellers in respect of their ongoing needs. While a full-time social worker and a dedicated Traveller Liaison Officer are available for members of the Traveller community, the Housing Directorate is stated to inform Travellers of developments as they arise. This is distinct from requesting the views of Travellers and taking these views on board at the planning stage. Consultation prior to the planning stage is key and it is not clear when or how such consultation takes place in the procedures of the Council as they stand.

The Equality Review states that the Traveller Liaison Officer engages with Travellers on 'all Traveller related issues'. It is stated that this role also includes working with the Estate Management Liaison Officers 'with regard to complaints of anti-social behaviour and unauthorised encampments', which might place some tension on the nature and uptake of more supportive functions involved in the role. The Equality Review offers no detail in regard to how this role takes account of the specific needs of the local Traveller community, arising from their ethnic identity and has regard to the specific barriers this community experiences in accessing accommodation.

Standard social housing and the private rented sector

An assumption is noted in the Equality Review that Traveller households identified in the annual count as being in private rented accommodation could have their future needs met by this sector. This appears to ignore the preferences of these families and the well-enumerated difficulties that Travellers encounter in this sector.

Further, the reliance evident in the response to Traveller accommodation needs, on standard housing and on the private rented sector, confronts access barriers for Travellers identified in the Equality Review by the Council. There are barriers noted in access to standard housing due to the large size of many Traveller families and lack of suitable units, and due to preferred locations where there are not sufficient local authority houses available. There are barriers noted in access to private rented accommodation due to the general lack of private rented accommodation and the situation where few Traveller families have references from previous tenancies available to them. There does not appear to be any process to deal with these issues.

Drawdown of Funds

The level of drawdown, indicated in the Equality Review, of funds allocated for Traveller-specific accommodation has been poor. It appears from the data provided that no funds or funds less than the amount allocated were drawn down or projects did not proceed to completion in relation to seven out of ten capital projects over 2015-2018. It is not clear why there is such a contrast between drawing down practices for general housing as distinct from Traveller-specific accommodation. The ratio of capital expenditure for Traveller-specific accommodation to general housing was 1:556. This demonstrates a significant focus of resources on general housing to the detriment of Traveller-specific housing. However, in light of the lack of general population figures, a meaningful comparison cannot be drawn from this. It is recognised, however, that the accommodation needs of Travellers may be met through general housing funds, if this form of accommodation is their true preference.

In response to these delays in the draw down of funding in relation to Traveller-specific projects, the Council point to the acquisition and refurbishment of nine standard housing units for Traveller families, from 2017 to 2019, and the preference of Traveller

families for standard housing. The Council reports a further diversity of reasons for delays in the drawdown of funding for Traveller-specific accommodation, including:

- Delays in design specification for Ballydineen halting site, however, Part 8 planning process commenced in 2019;
- Failure to source a site for Ballyannon halting site, given the existing site was too small for the number of families;
- Issues of family mix on the site and low demand for halting site bays on the Moses Road halting site;
- Difficulties in getting agreement from residents, for Rosewood Drive group housing scheme, on alternative accommodation during the redevelopment and on the design specification for the redevelopment; and
- Redesign sought for Stag Park site by the Department of Housing due to low density and cost of the proposal.

The Council experienced difficulties in sourcing an alternative site for the halting site in Ballyannon, but notes that it was primarily the older members of the family who were seeking halting site accommodation at this location. This is not a valid reason to put any development plans on hold, in particular light of the fact that funding is not an issue: sums allocated by the DHPLG for Traveller-specific accommodation invariably exceeded funds drawn down.

The Council draws attention to Circular 03/2020, by which the DHPLG has modified the allocation of funding process. All requests for funding will now be assessed and approved on a case-by-case basis when submitted by a local authority, rather than on a calendar year basis.

TAP 2014–2018

The Council notes in the Equality Review that during the lifetime of the previous TAP, while there were delays in the provision of Traveller-specific accommodation, the target in relation to standard housing was exceeded.

The Council notes in the Equality Review that over the period of 2014-2018 there were 77 offers of accommodation to Traveller households with 59 allocations and 18

refusals. No breakdown is provided as to accommodation type and no information is provided in relation to achievements on the 3 units of group housing and 4 halting site bays planned for. No information is provided in relation to this high refusal rate or its consequences for Travellers. This raises further issues of how Traveller preferences are being managed and responded to.

Housing application process

Applications from Traveller households for standard housing are dealt with in the same way as all other applicants according to the Council. The system used is an online CBL system. Internet facilities are made available in the Council's three divisional offices and a social worker is available to assist Travellers with the system. However, there is no reference to any analysis of the particular barriers for or needs of Travellers with regard to such a system that would need to be addressed to ensure they can engage with it on an equal basis. No specific Traveller related data is compiled as part of this application process.

Travellers' experience of homelessness

The current TAP identifies 13 Traveller households as being homeless (an increase from 5 in the previous TAP) and 19 Traveller households as living on the roadside (an increase from 18 in the previous TAP). The 2018 annual count of Travellers identifies that 29 Traveller households are sharing accommodation. The Equality Review makes no reference to this issue. The TAP identifies that the Council refers families in an emergency situation to local homeless services 'where possible'. There is no explanation of the term 'where possible' and no reference to the particular experience Travellers might have of homelessness or ensuring a cultural sensitivity in responding to this experience.

Transient sites

In the Equality Review, the Council indicates that the Travellers surveyed did not indicate a preference for transient sites and that it is not proposed to develop one during the lifetime of the current TAP. However, the 2018 research on Traveller accommodation preferences indicated that, of this small sample, a significant 10.5% of Traveller respondents reported that they go 'on the road', mainly for the summer

months but also prior to moving into their current accommodation. In the Equality Review, the Council suggests there is a need for guidelines on transient sites and that such provision is a national and a regional issue. It is of concern, however, that this key element of Traveller culture and identity is not addressed for Travellers transient within and through the Council functional area.

The DHPLG has made clear in Circular 03/2020 that funding is available for transient sites. These could serve for multi-purposes: sites traditionally used at certain times of the year, sites for transient families, and facilities for regular visitors to residents of permanent accommodation. They could also serve as overflow sites when issues of overcrowding or the need for temporary accommodation during refurbishment works arise.

The Public Sector Equality and Human Rights Duty

The Council commits in the Equality Review to incorporating:

“an equality statement into future Traveller Accommodation Programmes and into our Allocation Scheme”.

The Equality Review and the TAP, however, make no reference to the Public Sector Equality and Human Rights Duty. There is no reference to an assessment of equality and human rights issues relevant to this function being undertaken, as required under the provisions of the duty, and no indication of any process to consider and respond to such an assessment in the preparation of the TAP

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:

- recognising and establishing the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of services to Travellers and, in particular, in the provision of Traveller-specific accommodation;
- assessing, tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
- clarifying the term 'indigenous Travellers' and reviewing the requirements for Traveller access to both Traveller-specific accommodation and standard housing, to ensure no discrimination when compared to the requirements on the wider community;
- establishing and developing a response to the needs of Travellers who are nomadic within and through the county through the provision of transient halting site bays;
- developing culturally specific responses to the needs of Travellers experiencing homelessness;

responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;

- establishing appropriate processes for Traveller tenant participation in estate management on social housing estates and on Traveller-specific accommodation sites;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;

- identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through resolving the current issues and creating the conditions for a meaningful engagement; 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. Engage the services of an independent body to carry out a report concerning the reasons why there seems to be a significant lack of engagement on the part of Traveller representative bodies and members of the Traveller community themselves with the practices and policies of the Council concerning Traveller-specific accommodation and publish any actions taken on foot of any recommendations made.
 5. Engage the services of an appropriate independent body, for advice on creating a tailored solution to particular accommodation needs where necessary.
 6. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation. This would help to

inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.

7. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report to determine the reasons for this and follow any recommendations made.
8. 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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