

# An account of the Equality Review carried out by Dublin City 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)

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

**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 Dublin City 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 28 May 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 reports that members of the Traveller community can apply for any form of accommodation provided by the local authority, including standard local authority housing, private rented accommodation or private housing assisted by local authorities or voluntary organisations.

The Council outlines that, in accordance with the Allocations Scheme (Scheme of Letting Priorities), applicants assessed as being qualified for social housing support are placed on the housing list and, within the housing and transfer lists, priority is determined by two factors; the applicants' broad level of housing need and length of time on the list.

The Council outlines that priority status may be awarded to members of the Traveller community, following recommendation by the Council's Traveller Accommodation Section, to facilitate access to social housing supports. It states that priority status will be reviewed if the family leaves the halting site. The Council outlines that the housing support offered may be of HAP/RAS/AHB/Social Housing Leasing Initiative stock, depending on the suitability of the accommodation to meeting the housing need.

The Council outlines that members of the Traveller community have the option to stay on housing lists even when they are accommodated. Those in private rented and group housing schemes still remain on the current standard housing lists. Those in standard accommodation can remain on the Traveller-specific list if they so wish.<sup>1</sup>

The Council reports that staff conducted an assessment of need, issuing public notices and consulting with key stakeholders, including the LTACC to prepare the current TAP, which addresses new accommodation targets as well as a programme of refurbishment

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<sup>1</sup> In June 2021, after receiving a draft of this account, the Council advised that:

"[a]pplicants for Social Housing do not remain on the standard housing list if they take up HAP, in this instance they move to the transfer list. Group housing sub-tenants only may apply to the housing list, group housing tenants apply to the transfer list".

works. It states that the DHPLG conducts an annual count of Traveller accommodation, which has not been published since 2017.

The Council states that the procedure used in carrying out its housing needs assessment was both detailed and collaborative and commenced in November 2018. It states that the process included the sending of letters to all Traveller-specific applicants to ensure every effort was made to contact all such applicants. It states that, in addition to this, as many applicants and potential applicants as possible were contacted directly by Council TAU staff, Traveller social workers, Dublin Region Homeless Executive (DRHE) staff, representative groups and LTACC members to encourage them to contact the TAU to ensure they remained on the list or submitted an application.

The Council states that no data is collected on ethnicity in the social housing need assessment form. The Council states that there are no figures on the numbers of people from the Traveller community who have, or are applying for, or accessing, general or standard local authority housing, private rented accommodation or private housing assisted by local authorities or voluntary organisations. The Council states that it was not therefore possible to determine the extent to which the accommodation needs of members of the Traveller community were met through standard social housing services. The Council states that consideration is being given to including an ethnicity question in the Council's social housing need assessment forms. It recommends that any alteration to the form should be equality proofed to ensure that it does not in fact negatively impact on members of the Traveller community, or any applicant who may not wish to provide their ethnicity.

In its letter of 28 May 2020, the Council refers to the 1998 Act, which allows local authorities to make loans available for the acquisition or repair of a caravan or the acquisition of land for the purpose of providing a site and any construction works required for such purpose.

The Council sets out various means by which it ensures implementation of the TAP. It states that the Senior Management Team of the Council is responsible for addressing all issues with regard to applying for, drawing down funding and implementing its

current TAP. It states that the staff team with responsibility for implementation of the TAP in the Council report to the Senior Management Team quarterly, highlighting all implementation issues.

The Council reports that its LTACC meets six times a year and advises in relation to the implementation of the TAP and on the management of accommodation for Travellers. It is stated that the committee provides a liaison between Travellers and members and officials of the Council. In addition, to support implementation, the Council states that it has Traveller-specific support staff who liaise directly with members of the Traveller community.

## B. Comparison of funding to comparator group

In Table 1 of the Equality Review, the Council sets out annual capital expenditure for Traveller-specific accommodation from 2014 to 2018. It provides that total allocation from the DHPLG amounted to €3,915,384 and that the total sum drawn down amounted to €2,821,806. The Council reports that it applied for a total capital allocation of €1,628,695 in 2019 and a total of €512,274.79 had been drawn as of October 2019.

The Council sets out detailed figures of current expenditure per site per year in Table 2 of the review. It provides that total recoupment of funds from 2015 to 2019 for Traveller accommodation amounted to €6,013,796.

In Table 3 the Council sets out expenditure in respect of general housing. In respect of capital expenditure, it provides that the total sum allocated from 2015 to 2018 was €954,724,270 and that the total sum drawn down amounted to €729,145,704. According to the figures provided, there was an overspend in 2015 and 2016 and an underspend in 2017 and 2018.

The Council states that in respect of current expenditure for general housing for the same period, the total sum allocated by the DHPLG was €503,168,254 and the total drawn down amounted to €567,102,907. It reports an overspend in each year.

## Adequacy of funding

The Council reports that, as of 30 November 2018, there were 293 families in the Council area in need of accommodation. The following is the breakdown of current needs provided:

- 58 families sharing in group housing schemes;
- 11 families sharing in standard accommodation or private rented accommodation;
- 12 families sharing services on halting sites;
- 108 families on unauthorised or decommissioned sites; and
- 104 families in emergency homeless accommodation.

The Council reports that the annual Traveller count also identified that there are currently 136 children who will turn 18 during the lifetime of the current TAP.

The Council states that there has been no impact from the failure to draw down allocated funds on the Council's statutory duty to provide sites for caravans, including sites with limited facilities. In a letter of clarification of 28 May 2020, it developed on this stating that the Council has made no application to the DHPLG to allocate funds for new sites for caravans (new halting sites) in the last two TAPs as that need had not been identified during the Assessment of Needs for 2013 or 2018/2019. The Council states that respondents to the 2018/2019 assessment identified a need for redevelopment of existing sites, new group housing and social housing, but not the development of new halting sites. The Council states that any assessment of need takes into account the opinions of the Traveller community, the local and national representative groups and other service providers.

The Council notes that the number of Traveller families in the Dublin city area has risen from 697 families in 2016 to 906 in 2019.<sup>2</sup> It reports that there has also been an increase

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<sup>2</sup> In June 2021 the Council has advised that:

in Traveller families looking for standard accommodation and that this is reflected in the numbers allocated during that time, where the number in standard accommodation in 2016 was 256 and increased to 336 in 2019.

The Council reports that most families surveyed in the Assessment of Need 2018/2019 required either Traveller-specific group housing, standard housing or an improvement in the current halting sites. The Council notes that residents in a number of halting sites (notably St Joseph's Park, St. Oliver's Park and St. Margaret's Park) have requested that the sites be redeveloped as group housing schemes and in some cases this has been reflected in the new 2019-2024 TAP. The review states that further work on these specific requests will be carried out by the Council as projects evolve with input from the Traveller groups as well as the Traveller community in each site/development.

### C. Whether all funding allocated drawn down

It is reported that in the period from 2015 to 2018, the total sum drawn down fell short of the total allocated by €1,093,578. While in 2014 and 2017, it is reported that the sum drawn down exceeded the sum allocated, and in the three remaining years, 2015, 2016 and 2018, there was an underspend.

The Council states that there are a number of factors that can arise and have an impact on the Council's ability to draw down and spend capital funding on Traveller accommodation. It reports that projects have been delayed over the last four years by factors such as changes or challenges to projects, ongoing pre-Part 8 planning processes, delays in tendering processes, on-site structural findings, consultation delays and threats to staff and contractors resulting in withdrawal from sites.

The Council details implementation challenges for each of its ongoing Traveller-specific accommodation projects, which highlighted the importance of resources that were dedicated to the management of relationships with members of the Traveller community on the sites to be developed. The Council reports that staff in the Council, and contractors when on site, have been subjected to threatening behaviour (including

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"The increase in Traveller families in the Dublin City Council area from 2016 to 2019 reflects some families moving into the area but was mostly due to the formation of new families within the functional area within that time period".

one allegation of assault), and in one case it reports that the breakdown led to the withdrawal of an appointed mediator. It states that these matters have resulted in delays on a number of projects. It states that additional factors such as illegal dumping and anti-social behaviour have delayed the development of two projects. The Council reports that 'the management of difficulties with securing effective consultation with the families concerned' has delayed at least three projects. The Council states that in many cases projects have been affected by some or all of these factors.

The Council finds that the practices and procedures for application design and submission, allocation, and then drawdown of funds from DPHLG for Traveller accommodation, are not designed to take account of housing planning and development timeframes and schedules. The Council recommends that the DHPLG changes to front load funding based on a yearly commitment table with a realistic defined timeline for spend, as is currently the case with sports capital funding.<sup>3</sup>

The Council reports that a further reason why funds allocated were not drawn down was due to delays on the part of the DHPLG in making the allocation. The Council states that in 2018, budgets were agreed by the Council in December 2017. However, the DHPLG did not allocate the Traveller Accommodation Budget for 2018 until July 2018 (usually allocated in April or May). This gave the Council five months to 'complete spend of 1.3 million which would not have been possible given the short timeframe'. The Council states that this accounted for the underspend in 2018.

The Council draws attention to deficiencies in financial reporting of spend on Traveller accommodation services, in particular the lack of account for increasing costs and expenditure by the local authority on management and maintenance of Traveller accommodation. It cites a total management and maintenance expenditure of €1,743,164.73 in 2018 of which only €878,660.42 was recoupable from the DHPLG, and a spend of €301,313.69 on salaries for social workers providing services for the

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<sup>3</sup>In June 2021 the Council advise that:

"[i]n general the Department supports projects at an advanced stage on the capital development cycle. The main delays in DCC's TAP could not be ascribed to the Department who have been very supportive. The real issues have been structural issues to be overcome, planning issues that have hampered planned developments and on a limited number of sites, some difficulty getting agreement on the change".

Traveller community, with €296,168.55 recouped, leaving a deficit for the Council of €864,504,31.

#### D. Any further issues of equality of opportunity

The Council makes a number of recommendations in its Equality Review as follows:

- Moving to a multi-annual application, allocation and budgeting process for capital projects for Traveller accommodation, including Traveller-specific accommodation, may provide a more effective means of securing a draw-down of capital funding for the Council from the DHPLG. The Council states that this would support an alignment with the multi-annual local authority 5-year Development Plan and TAP cycles. This would help to improve current practices and procedures, and provide a more cohesive reporting of the local authority's planning, application, drawdown and implementation activities to deliver Traveller accommodation services;
- In order to improve the delivery of Traveller accommodation services to members of the Traveller community, the Council should be supported to conduct a detailed census of Traveller accommodation needs for their functional area;
- Any alteration to social housing application forms need to be equality proofed to ensure that the change does not in fact negatively impact on members of the Traveller community or any applicant who may not wish to identify their ethnicity;
- The Public Sector Duty is material to the practices and procedures applying to the delivery of Traveller accommodation services, and Traveller-specific accommodation. As a first step the inclusion of an equality statement in the TAP and in the Scheme of Letting Priorities should be addressed. This scheme is an important policy document for all local authorities. Steps should be taken to insert an equality statement into the Council's Housing Allocations Scheme, in particular naming the nine 'protected grounds', i.e.



age, race, disability, religion, gender, sexual orientation, marital status, family status, or being a member of the Traveller community;

- The Council should not miss the opportunity to integrate equality and human rights objectives and actions into the Corporate Plan in Autumn 2019, thereby addressing the Public Sector Duty. This would address any need for additional Council equality policies, for example an up-to-date equal status policy, and would facilitate staff training.

## 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 Equality Review process

The Council commissioned an independent contractor to prepare the Equality Review. The process identified for the review involved an examination of relevant documentation and meetings with relevant Council officials. There is no reference to any participation by the LTACC or by local Travellers or by Traveller organisations which would be expected in such a process.<sup>4</sup>

### Assessment of need and preferences

The Council identifies, in the Equality Review, that the assessment of need and preferences for Traveller accommodation for the TAP 2019-2024 commenced in November 2018 and was based on 'letters to all Traveller specific applicants'; contact with 'as many as possible' of these families by various means, to encourage them to contact the TAU to make sure they remained on the list or to submit a housing application; and a survey under the Scheme of Lettings 2018. This system does not appear to be adequately robust.

In relation to the Council's assessment process, the Equality Review states:

"[w]hile the consultative nature of the process for assessing Traveller accommodation need is a welcome one, particularly as it supports the participation of local Traveller organisations, it is noted that there has not been any detailed census of Traveller accommodation needs for the area for some time".

It recommends that the Council:

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<sup>4</sup> In June 2021 the Council has advised that it:

"engaged fully with the process and understood it to be a review of its internal policies and procedures. The requirement for wider consultation was not picked up on by either the Equality Consultant or the staff in the Traveller Accommodation Unit at that time".

“should be supported to conduct a detailed census of Traveller Accommodation needs for their functional area”.

Accurate data is crucial in order to evaluate whether processes in fact serve to ensure equality of opportunity. While the processes of the Council on their face are welcome, no information was provided in respect of precise methodologies and the level of engagement by members of the Traveller community. It is not clear how many replies were received to the public notices put up and whether Travellers in fact proceeded to contact the TAU and if so, how many did so and how did they establish contact. The Council stated that most families surveyed in the Assessment of Need 2018/2019 required either Traveller-specific group housing, standard housing or an improvement in the current halting sites. It is not clear how these preferences were communicated.

This Assessment of Need identified 73 Traveller households with Traveller-specific applications. As referred to above, it is not made clear how many, of the overall number contacted, replied, or how many households were missed in this process.<sup>5</sup> 139 applications were identified from the Scheme of Lettings 2018. It is not clear how this group was identified or how accurate it might be, given that the Council notes that, while consideration is being given to an ethnic identifier, no data is collected on ethnicity in the social housing need assessment form.<sup>6</sup>

Furthermore, there is no reference made to the needs or preferences of those in private rented accommodation, other than the proposal in the current TAP that the

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<sup>5</sup> In June 2021 the Council has advised that it:

“is of the belief that the needs assessment provided considerable opportunity for all members of the Traveller community in Dublin City Council to identify where they want to live and in what type of accommodation. Further, the range of organisations and people involved in the consultation (LTACC, Local Traveller Representative Groups, Primary Care workers, [Council] social welfare workers and Traveller Accommodation Unit staff) ensured that a wider cohort of the Traveller community was encouraged to engage. Every effort has been made to include all of those that might not normally engage with the Traveller Accommodation Unit including those on unauthorised or decommissioned sites, in unauthorised mobiles/caravans on the curtilage of Traveller specific or standard accommodation and those in emergency accommodation”.

<sup>6</sup> In June 2021 the Council has advised the Commission that:

“An ethnic identifier in the form has been discussed and raised with the Department but the form is standard to all local authorities based around the information collected in the Annual Assessment of Social Housing Need. It is [the Council's] view that a voluntary ethnic identifier should be included in the form and this is the feedback [the Council has] given at reviews”.

Council's social workers will meet with Traveller organisations to ensure these families are identified and supported with their accommodation needs.

The additional information, provided by the Council for the Equality Review, identifies that there is an increasing number of Travellers seeking standard housing, which was reflected in the numbers allocated during that time, where the number in standard accommodation in 2016 was 256 and increased to 336 in 2019. This, however, is evidenced on the basis of allocations rather than any examination of preferences. There is no reference to initiatives to take account of Traveller culture and identity for those securing standard housing, in particular to support and sustain the development of integrated diverse communities on social housing estates or to make provision to address needs arising for Travellers in such accommodation in relation to their distinct culture and identity. 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 record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies.

There is no indication given either, as to how preferences are identified, other than from social housing applications submitted, or of how these preferences are tracked over time or independently verified. The TAP sounds a note of warning as to the Council's commitment to responding to identified preferences in suggesting that:

“the current footprint allocation of land for Traveller Specific Accommodation cannot be sustained in Dublin City's heavily urbanised area”.

This issue is not referenced or explained in the Equality Review, and could well influence stated preferences.

The current TAP includes targets for additional provision for 177 households in: standard housing allocations (56); TAU standard voids (25); new build houses (47); de-tenanting priority (12); and in Traveller-specific (group housing and halting sites) (30); and new build bays (7). It includes upgraded provision for 56 households in: group housing refurbishment (6); and halting site refurbishment (50). It includes temporary provision for 16 households to facilitate upgrades. It should be further noted that the estimation of need does not include for the growth predicted in the community with new family formation.

The Council acknowledges the particular difficulties Travellers face in accessing the private rented sector. The current TAP establishes that while no Traveller family identified a preference for private rented accommodation, the Council has included such provision 'as an interim measure' and that it 'will be reviewed on an ongoing basis'.<sup>7</sup> There is no reference to targets for private rented accommodation, through the provision of HAP/RAS supports, in the Equality Review or in the current TAP. Nonetheless, a significant reliance on private rented provision is indicated, given that the targets set in the TAP appear to only involve provision of 177 additional units, compared to a need for 293 units identified as needed.

This raises an additional concern as there may be evidence that the Council is not capturing and providing for all accommodation needs of Travellers or responding to the full level of need, in that the Equality Review notes that there is currently a total of 136 children who will turn 18 during the lifetime of the current TAP, but that the Council's:

"priority must remain focussed on the provision of homes for the 293 identified families that are currently in emergency or unauthorised accommodation".

Of the 293 families residing in its area, the review states that 108 families lived on unauthorised or decommissioned halting sites and 104 families lived in emergency homeless accommodation. The Council recorded an increase in the number of Traveller families in the Dublin city area rising from 697 families in 2016 to 906 in 2019, through

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<sup>7</sup>In June 2021, the Council advised that:

"Applicants for Social Housing do not remain on the standard housing list if they take up HAP, in this instance they move to the transfer list".

new family formation and, to a lesser degree, families moving into the area. These recorded facts make the need for a more robust system of gathering and recording accommodation preferences of members of the Traveller community all the more imperative.

### Expenditure, drawdowns and delays

For both Traveller-specific accommodation and general housing, there were some years of over and under spend in comparison with the sums allocated by the DHPLG. Current expenditure on general housing was the only area in which there was a consistent overspend.

The Council states that the ratio of drawdown for Traveller-specific accommodation capital expenditure as against that for general housing was 2,821,806 : 567,102,907, or 1 : 201. While the ratio between capital expenditure for Traveller-specific accommodation to that for general housing is stark, as no figures were provided in respect of the population of members of the Traveller community residing in the functional area of the Council as compared to the general population of this area, no meaningful comparison could be drawn here. Also, it is recognised that the accommodation needs of Travellers may be met through general housing funds, if this form of accommodation is their true preference.

The Council cited a number of problems with the drawdown procedures of the DHPLG, including the fact that the process was ill-suited to projects spanning longer than one calendar year, delays in processing funds to be drawn down on the part of the DHPLG and the lack of credit given to local authorities for large sums spent on current expenditure for Traveller-specific accommodation.<sup>8</sup> The Council in the Equality Review

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<sup>8</sup> In June 2021 the Council has advised that:

"In general the Department supports projects at an advanced stage on the capital development cycle. The main delays in [the Council's] TAP could not be ascribed to the Department who have been very supportive. The real issues have been structural issues to be overcome, planning issues that have hampered planned developments and on a limited number of sites, some difficulty getting agreement on the change".

The Council further advises that:

"the relationship with the Department and the drawdown of funding has been exemplary. The Department has not refused any reasonable request for funding and have supplied said funding once the council supplies the relevant support documentation".

recommends moving to a multi-annual application, allocation and budgeting process for capital projects for Traveller accommodation, including Traveller-specific accommodation, which may provide a more effective means of securing a draw-down of capital funding for the Council from the DHPLG. Housing Circular 03/2020 has now changed this procedure.

The Council reports, in the Equality Review, delays in the drawdown of capital allocations. Between 2014 and 2018, the Council applied for a total capital allocation of €3,915,384.39 and drew down €2,821,806.22. In 2019, the Council applied for €1,628,695 and, at the time of preparing the Equality Review, had drawn down €512,274.79. In subsequent information provided, the Council identifies, without reference to financing, that all projects for the year ending 2019 were completed on schedule.

The Council reports, in the Equality Review, three sets of factors influencing these delays in the drawdown of funding for Traveller-specific accommodation: planning; management of relationships with the Traveller community on the sites to be developed; and management of difficulties in securing effective consultation with the Traveller families concerned.

In relation to planning factors, the Council points to four major developments where there have been planning delays: because of the time it takes to develop and submit a planning application; the length of time it takes to get planning permission; consequences for the schedules in the commencement of site works; and the necessity to submit revised plans for planning permission.

Lengthy delays are noted, in the Equality Review, on some sites that are not adequately explained by these three factors. The Labre Park project is identified, for example, as being 'ongoing for almost 18 years', and the St. Margaret's Park redevelopment is identified as being 'ongoing for a number of years'.

Issues arise in relation to the unsuitability of the sites chosen that are not addressed by these three factors. Issues with flood risk management, drainage and surface water removal are noted in relation to Labre Park. Issues in relation to the type of soil, and

ensuing concerns for the level and type of foundation needed, are noted in relation to the single house project in Reuben Street.

Finally, pressure from the settled community appears to emerge as an issue in relation to delays. This is suggested in the reported refusal of the residents in Grove Court to give permission for a necessary connection to the Grove Court main sewer line, which is in the ownership of Grove Court development. This was required for the three house development on the Naas Road.

The Council, in the Equality Review, also identifies: increasing costs and expenditure in the management and maintenance of Traveller-specific accommodation; issues in the management of relationships and of difficulties in securing consultation as factors delaying drawdown of capital funding; and the importance of the management of relationships with Travellers on the sites. However, no processes are indicated, in the current TAP or the Equality Review, to address such issues, in particular no structures or systems are in place to support and enable Traveller tenant participation in estate management.

The delayed drawdown must be viewed as a source of significant concern in a context of the high levels of overcrowding, unauthorised sites, and families in emergency accommodation, as noted by the Council in its Equality Review.

### Engagement, consultation and inclusion

There is a deficit in the consultation processes of the Council. The Council does not address why there have been delays due to difficulties with consultations with the residents of halting sites and apparent hostile behaviour on the part of these residents towards planned works. Such works require the buy-in of these residents. Consultation with and the approval of affected members of the Traveller community before the planning phase commences are crucial components of a procedure which ensures equality of opportunity for Travellers in accessing accommodation services.

In relation to the management of relationships factors, the Council points to issues of alleged threatening behaviour by Travellers on sites to be developed. It further points



to illegal dumping and references alleged anti-social behaviour, though it is not made clear who is responsible in either case.<sup>9</sup>

## Monitoring of objectives and progress

The Council has certain processes in place to ensure implementation of the objectives of the TAP. The Senior Management Team of the Council is mandated with applying for and drawing down funding. The LTACC acts as a liaison between Travellers and members and officials of the Council and Traveller-specific support staff liaise directly with members of the Traveller community.

The Council, in the Equality Review, indicates that the LTACC meets six times per year. It identifies that the LTACC provides advice in relation to the implementation of the TAP and the management of accommodation for Travellers. The Council, in the Equality Review, further suggests that the committee:

“works with Travellers in an advocacy and support role to partner with the Council in progressing the delivery of the Traveller Accommodation Programme”.

It is not clear what this focus on advocacy and support might involve or how it fits with the nature and composition of the LTACC.

The TAP 2019-2024 of the Council notes that a review workshop of the Terms of Reference of the LTACC was conducted and independently facilitated by the Irish Traveller Movement in 2019, the third such review of the working of the LTACC. The purpose of the review was to consider how the LTACC could work more effectively. It established an agreed set of principles to inform the work of committee members.

## Private rented sector

The current TAP identifies that it is proposed to establish a subgroup of the LTACC to examine how Travellers who wish to source private rented accommodation can be assisted and supported and how Traveller families in standard social housing and

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<sup>9</sup> In June 2021 the Council has advised that it:

“has been as specific as possible in all replies and further information would impinge on GDPR and data protection policies, procedures and the rights of the individuals involved”.

private rented accommodation can be included more in Traveller service provision. The subgroup may also be tasked with developing an appropriate draft policy document that may inform the DRHE Homeless HAP policy in relation to difficulties experienced by members of the Traveller community. However, given that the provision proposed under the TAP suggests some significant reliance on the private rented sector, it is of concern that no such preference has been indicated by the Traveller households surveyed and, given that the TAP identifies particular difficulties for Travellers in this sector, that no supports have been identified or put in place to date.

### Overcrowding and public health concerns

The Council identifies significant levels of housing/accommodation disadvantage experienced by Travellers in their administrative area. The Equality Review reports: 81 families living in overcrowded accommodation, 108 families on unauthorised sites, presumably without adequate basic facilities, and 104 families in homeless emergency accommodation (identified by the Council as a disproportionate representation among the population experiencing homelessness). This involves a total of 293 Traveller households.<sup>10</sup>

It is of concern that despite these facts, the Council had not applied for funding for new halting site accommodation over the period of its last two TAPs since 2013. Even if there was no need for new halting site accommodation, which is far from clear from the data collected by the Council, the use of transient sites should be considered.

### Transient accommodation

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.

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<sup>10</sup>In June 2021, the Council has advised that:

"These concerns are shared by Dublin City Council. There has been over 100 families housed since 2017 to alleviate issues but we recognise how much more here is to be done".

The Equality Review makes no reference to the issue of provision of transient accommodation or other supports to facilitate the movement that is known to be a central element in Traveller culture and identity. It does identify 108 families currently living on the roadside. The current TAP indicates that transient sites would only be provided after the 'specific requirements of the Travellers indigenous to the Dublin City Council administrative area' are met, and if there is a demand for them. While the TAP identifies ongoing meetings of the four Greater Dublin local authorities to explore such provision, there is no indication of any steps taken in terms of establishing the need for transient sites or responding to such need.<sup>11</sup>

## Homelessness

The Equality Review indicates a disproportionately high level of homelessness among the Traveller community in the administrative area. The TAP includes a proposal that the LTACC subgroup, formed to examine supports to those in the private rented sector, as outlined above, might also be tasked with developing a draft policy document to inform DRHE's Homeless HAP policy in relation to difficulties experienced by Travellers. While this step is positive, it is of concern that no steps have yet been taken to identify and respond to the particular experience of homelessness among Travellers and the specific needs they might have, if a successful resolution of their situation is to be achieved.

## Traveller culture, nomadism and inclusion

It is noted that members of the Traveller community have the option to stay on housing lists even when they were accommodated in private rented and group housing schemes, and, similarly, those in standard accommodation can remain on the Traveller-specific accommodation list. The Council further reports that members of the Traveller community have the option to stay on the current standard housing lists even when they are accommodated. A total of 42 such applications are noted in the Equality

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<sup>11</sup> In June 2021, the Council has advised that:

"The view of LTACC members has been that it is permanent sites and not transient sites that are most needed in [the Council area]. That has been the consistent position expressed by Traveller representatives for many years".

Review.<sup>12</sup> Travellers can access standard housing in the same manner as other members of the Dublin City population. The Council noted that no data was collected on ethnicity in the social housing need assessment form and so it was not possible to determine the extent to which the accommodation needs of members of the Traveller community were met through standard social housing services.

The current TAP is further restrictive in limiting Traveller-specific provision to Travellers deemed 'indigenous'. This 'indigenous' requirement is fulfilled where the person has been resident within the administrative area for any continuous five-year period or for the three-year period prior to the preparation of the TAP. While the TAP states that this does not preclude consideration of others in exceptional circumstances, 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.

## Supports

The Council identifies that their Housing Allocation Scheme establishes that priority status may be awarded to members of the Traveller community, following recommendation by the Council's Traveller Accommodation Section, to facilitate access to social housing supports. It further notes that this:

"priority status will be reviewed if the family leaves the halting site".<sup>13</sup>

The current TAP notes that 81 families are identified without a current application submitted for social housing supports, which must be completed for their needs to be considered. It is not made clear what steps have been taken to ensure forms are completed, and with what results. There is no reference made in the Equality Review as

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<sup>12</sup> In June 2021, the Council has advised that:

"Applicants for Social Housing do not remain on the standard housing list if they take up HAP, in this instance they move to the transfer list. Group housing sub-tenants only may apply to the housing list, group housing tenants apply to the transfer list".

<sup>13</sup> In June 2021, the Council has advised that:

"Traveller Priority for social housing is awarded to all Travellers in the functional area who are assessed as homeless, i.e. do not have a group housing tenancy or standard housing available to them and are otherwise eligible under the Social Housing Assessment Regulations 2011. Priority is for all forms of standard social housing".

to any supports that might be available to Travellers facing specific barriers in engaging with the application system.<sup>14</sup>

While the Council noted its statutory duty to make loans available for the acquisition or repair of a caravan or the acquisition of land for the purpose of providing a site and any construction works required for such purpose, it was not clear what procedures are in place to ensure that members of the Traveller community are aware of this option and how they can apply for such a loan. The Council notes the legislation providing for loans to be made available for the acquisition or repair of a caravan, but makes no reference to any such provision in the Equality Review. However, it does commit to reinstating such a scheme in the current TAP.<sup>15</sup>

There is reference, in the Equality Review, to the work of Traveller-specific support staff and their direct liaison with members of the Traveller community, which could play a role in responding to such issues. However, no detail is provided on the nature of this liaison, Travellers' experience of these supports, and the impact of such support and liaison.

The TAP identifies that review workshops have been facilitated, by the Irish Traveller Movement, with the LTACC on its role. While this is a practice of interest, there is no reference to supports available to enable effective Traveller participation and no assessment of the Traveller experience of or outcomes from this structure

## Public Sector Equality and Human Rights Duty

The Equality Review makes significant mention of the Public Sector Equality and Human Rights Duty and its potential contribution to this function of the Council. It notes that the Council 'is in the process of developing an Equality Action Plan for housing', which would be valuable, though no specific reference to including Traveller-specific accommodation in this plan is named.

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<sup>14</sup> In June 2021, the Council has advised the Commission that families who have not applied to Dublin City Council for social housing supports are supported to complete application forms by: Traveller Accommodation Unit Staff; Social Workers; and NGO and community organisations funded by the Council.

<sup>15</sup> In June 2021, the Council has advised that it is one of four councils taking part in a national pilot scheme for Caravan loans.

The Equality Review recommends the inclusion of an equality statement in the TAP and in the Scheme of Letting Priorities, which would be useful but appears to reflect a limited understanding of the requirements of the Public Sector Duty. There is no reference, for example, to whether an assessment of equality and human rights issues relevant to this function of the Council, has been undertaken and, any process within the TAP to address these issues. This would be a necessary first step in implementing the Public Sector Duty for this function of the Council.

## 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 the recommendations made in the Council's Equality Review to:
  - conduct a detailed census of Traveller accommodation needs for their administrative area;
  - ensure that any alteration to social housing application forms does not negatively impact on any applicant who may not wish to identify their ethnicity;
  - include an equality statement in the TAP and in the Scheme of Letting Priorities; and
  - integrate equality and human rights objectives and actions into the Council's Corporate Service Plan.
2. Address policy and procedure for:
  - presenting data in the TAP and progress reports, in particular: providing a clarity of information on accommodation needs and preferences and how these are being addressed;
  - tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
  - recognising and establishing the practical implications of Traveller ethnicity and ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers;
  - responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;

- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
  - developing culturally-specific responses to the needs of Travellers experiencing homelessness;
  - establishing and developing a response to the needs of Travellers who are nomadic within and through the county through the provision of transient site bays;
  - reviewing the provisions in relation to '*indigenous Travellers*' and the local connection requirements to access housing supports, to ensure that there is no discrimination when compared to the requirements on the wider community;
  - establishing appropriate structures, processes, and supports for Traveller tenant participation in estate management on Traveller-specific accommodation;
  - identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for representatives; and
  - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
3. 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).

4. 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).
5. Consider the possibility of employing a Traveller 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. The officer could also assist with online applications where members of the Traveller community have no access to the internet. This officer could also make efforts to engage with members of the Traveller community on any other issues arising. The officer 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.
6. Engage the services of an appropriate independent body, to draft a report on the reasons why there has been apparent hostility on the part of residents of existing halting sites in respect of which refurbishment works have been planned but frustrated and to make recommendations of steps that could be taken by the Council towards addressing any issues raised, particularly in respect of improved consultation processes. Any such steps taken by the Council should be published. The Council should then publish any steps it takes in line with recommendations made.
7. 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.

8. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of drawdown 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.
9. 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 drawdown 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 drawdown 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 drawdown 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.









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an Duine agus Comhionannas  
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