

An account of the Equality Review carried out by Galway 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 Galway 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 12 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

In respect of the housing needs of members of the Traveller community the first source of data cited by the Council is the annual census carried out in November 2018. The Council reports that this census identified 588 Traveller households in Galway city. Of this figure it is estimated that there are approximately 250 households on the housing waiting list in need of some form of alternative long-term accommodation in the city. The Council reports that the most recent assessment of housing need carried out under the 2011 Assessment Regulations indicates that there are 38 households that require Traveller-specific accommodation.

Further sources of information on which assessment of need are based are listed in the TAP 2014-2018 (provided in Appendix 2 of the Equality Review) as including: updated data on iHouse further to the housing needs assessment on 11 June 2018; a letter issued to all current Traveller households in September 2018 asking them to request their preference for accommodation in writing; meetings with individual Traveller households; and consultation with the Galway Traveller Movement.

The TAP 2019-2024 also includes a section on projected need. It is stated that the annual count of Traveller families from 2004 to present highlights the continued increase in Traveller households within the city region. It is reported that in 2004, there were 278 Traveller families in the Council's local authority area on the date of the count. In 2018 this figure had increased to 588. By using the 4% increase estimate as suggested in the Government Task Force Report on the Traveller Community in 1995, and having regard to the All-Ireland Traveller Health Study 2010, the Council estimate that there will be 23-25 additional new family formations per annum during the lifetime of this TAP. In the TAP 2019-2024, the Council states that:

"it is proposed that newly-formed Traveller households can make suitable arrangements for securing private rented accommodation; however, Galway City

Co. will be cognisant of each households need and particular circumstances, as they arise on an individual basis".

Social workers were also cited by the Council as a key resource in ascertaining the accommodation needs of the Traveller community. It is stated that they have an extensive knowledge of the needs of households who require extra assistance and as an outcome of the social work assessment, many Traveller households are prioritised based on need. It is reported that the Senior Social Worker sits with the Allocations Team and Estate Manager to sign off on all allocations and it is stated that:

"this practice works extremely well in the delivery of units of standard houses to the Traveller Community as it facilitates a forum where equality of opportunity is afforded."

The Council states that the majority of Traveller households have requested standard housing and that the procedures to deliver such accommodation is in line with the Council's Scheme of Letting priorities (provided at Appendix 1 of the Equality Review). The Council states that this is a time-based scheme with priorities afforded to certain categories of need and that the priorities, as agreed at the Housing Strategic Policy Committee, do not afford priority to members of the Traveller community. However, the Council asserts that in order to safeguard the delivery of those allocations, targets have been set in the TAP.

In the TAP 2019-2024, it is identified that 38 Traveller households:

"require Traveller-specific accommodation, halting sites and group housing".¹

It is reported that the Council adopted a mid-term review of the TAP 2014-2018 (a copy of this TAP is provided at Appendix 3 of the Equality Review):

"despite some political opposition and conflicting views on what Traveller Specific Accommodation entailed".

¹ The Commission was advised by the Council, in June 2021, that this information is generated from a report from iHouse, a national housing ICT system.

The Council states that, to aid the process, it and the Galway Traveller Movement engaged CENA in mid-2017 to do a consultation with key stakeholders in Galway city such as councillors, officials, Travellers and the local Traveller organisation. The Council states that this forum allowed dialogue on the issue of what Traveller-specific meant in Galway, an urban city, in 2017 and how all involved could work together:

“to deliver a home to Traveller households that met their cultural needs in the context of a city with a limited land bank and Traveller families with strong location preferences, in a challenging environment”.

The Council reports that in order to implement TAP targets, the Director of Housing convenes a monthly meeting with the Senior Executive Engineer, Head of Housing, Head of Estate Management and Senior Social Worker. It is stated that this holds all sections to account and the specific focus of this meeting is to provide a dedicated forum to discuss, plan and monitor progress in all areas of Traveller accommodation. The Council states that a standardised template is used in each meeting that focuses on the proposed new developments, updates on same and tasks for all going forward for the month ahead. The Council asserts that in an effort to capture the voice of the Traveller community in relation to accommodation issues, the Senior Social Worker endeavours to meet with the Galway Traveller Movement every four to six weeks. It is stated that this is key in relation to information sharing and promoting participation and inclusion in decision-making.

The Council reports that the LTACC in Galway city had not met for the two years preceding the submission of its Equality Review due to a number of factors and that this has been a challenge as:

“this committee is a key cornerstone in the planning, delivery and monitoring of Traveller Specific Accommodation and to ensure its effectiveness going forward equality and diversity training is being organised the incoming LTACC.”

It is reported that elections were held in late August 2019 in each electoral area to elect a representative from the Traveller community, which the Council states was a democratic process run in conjunction with the local Traveller organisation.²

The Council identifies a difficulty in determining the precise population of the Traveller community in its functional area. It states that:

“Annual counts of Traveller Households and Assessment of Need for a Traveller household, in accordance with s. 9 of the Housing Act 1988, as amended and S.6 of the Housing (Traveller Accommodation) Act 1998 always prove problematic ethically for the Housing and Social Work Unit in Galway City Co. While experience and knowledge of staff in the unit allows for the identification of Traveller households, nowhere in the process is the Traveller community facilitated to self-identify and this is a short coming nationally. The introduction of an ethnic identifier would make systems more robust in ensuring that equality of opportunity is afforded to all members of the Traveller community”.³

B. Comparison of funding to comparator group

The Council states that members of the Traveller community in the city comprise 2.1% of the total population.

In Table 1a of the Equality Review, setting out annual capital expenditure for Traveller accommodation from 2015 to 2018, total allocation from the DHPLG is reported as amounting to €426,000. However, the total DHPLG funding drawn down for this period is reported as amounting to €97,541. Table 1b shows that no such expenditure for 2019 had yet taken place at the time of the submission of the Equality Review.

² In June 2021, after receiving a draft copy of the Commission's account of the Council's Equality Review, the Council has advised the Commission that:

“the LTACC is a functioning committee since January 2020 with an independent Chairperson following facilitated sessions on equality and diversity with LTACC members and staff”.

The Council has further advised that the LTACC was not functioning at the time the Equality Review was undertaken.

³ The Commission has been advised by the Council, in June 2021, that ‘the Social Housing Application Form does not allow for the identification of Travellers or other ethnic groups’ and that the Council is therefore ‘unable to collect accurate information on Traveller families’.

In respect of current expenditure for Traveller-specific accommodation over the period 2015 to 2018, the Council's review provides no figures for funds allocated. According to the review the total sum drawn down was €301,543 and total additional local authority funding amounted to €2,802,516. The total expenditure came to €3,104,059. The Council states that the drawn down figure comprised amounts allowable and recouped under the maintenance and management of halting sites from the DHPLG.

In respect of annual capital expenditure for general housing for 2015 to 2018, no figures for allocated funds were provided and the total funding drawn down from the DHPLG amounted to €34,702,195.

Table 4 of the Equality Review sets out annual current expenditure for general housing from 2015 to 2018. No figures were provided for allocated funds and the total drawn down figure came to €20,486,809. The Council reports that additional local authority funding was €39,755,004 and total current expenditure amounted to €60,241,813.

The Council states that given the volume of 'Notice to Quits' being received, it made a decision to resource the Capital Team to try to acquire units of accommodation where the sale of a property was the sole reason for the Notice to Quit. The Council states that this practice, which was introduced in early 2016, has proved very positive particularly in relation to Traveller households. The Council states that, as of October 2019, this preventative proactive measure has facilitated 14 Traveller households in remaining in their property in an area of their choice and that, overall, the Council has acquired 58 properties and 24% of those have been for Traveller households.

The Council also states that it is supporting AHBs to take this route through the Capital Acquisition Scheme as a preventative measure where they are working with families in a tenancy sustainment role. It is stated that this highlights the fact that many Traveller households' needs are being prioritised but under the umbrella of their homeless status, which is deemed a priority under the Scheme of Letting Priorities.

The Council states that it has also:

“provided a lot of permanent accommodation to Traveller households that is not reflected financially in the capital tables as the funding source is through the Social Housing Investment Programme”.

A further area identified in the TAP 2014-2018, which the Council states that it delivered on, was in the area of extensions based on medical/disability needs. The Council reports that feasibility studies were carried out on the 8 identified units in the TAP 2014-2018, in which only 4 units were deemed suitable for extensions and all 4 have been completed. The reported capital expenditure in this area was *circa* €370,000. The Council states that this has positively impacted on the quality of life of those families. The Council states that the funding stream for those extensions was through the SHIP, and not through the TAU.

C. Adequacy of funding

In a further letter received from the Council dated 12 June 2020, it clarifies that all funding allocated to it from the TAU received from the DHPLG from 2015 to 2018:

“has been expended by the Galway City Council and all projects are complete”.

This letter also sets out the relevant projects that are revealed to be maintenance works on existing halting sites and ‘culturally appropriate Traveller accommodation / Group housing schemes’.

It sets out a number of projects that were not completed, one of which was for the provision of 3 new halting sites. The Council sets out the reason why this project was not completed as follows:

“Provision was included in the TAP 2014-2019 for up to 3 new halting sites in the City. During the statutory mid-term review of TAP 2014-2019 (finalised in September 2017), the elected members of Galway City Council agreed to replace the provision of Halting Sites with ‘Culturally Appropriate Traveller Accommodation’ schemes. This accommodation model was based on consultation process undertaken with Travellers during summer 2017.

The accommodation provision envisaged has been incorporated into a number of different projects within the TAP 2019-2024. This will include different models of Traveller accommodation informed by research carried out by CENA into what 'Culturally Appropriate' actually means to the Travelling community".⁴

The Council also states that it has not issued a caravan loan since *circa* 2009. It further states that a decision was made about this, further to a financial review:

"as there were issues in relation to repayments and the Traveller families would get better value for money if they sourced and paid for the trailer privately".

However, the Council states that it needs to review this in light of a number of families on sites who are unable to fund the acquisition of caravans from their own resources.

D. Whether all funding allocated drawn down

In Table 1a of the Equality Review, regarding annual capital expenditure 2015-2018 for Traveller accommodation, the figure for 2015 was emergency funding, in respect of which no application was made. For all other years, the Council reports that the monies drawn down were less than the funds allocated as the relevant projects were completed in subsequent years. As of October 2019, the Council reports that no application for funds had yet been made that year. The Council states that an application was to be made for the replacement of welfare units once the tender process had been completed. The Council states that it has no current intention to provide new halting sites and has no intention to apply for funding from the DHPLG for same.

The Council states that the TAP 2014-2018 identified the need for 3 permanent residential caravan parks in Galway City over the lifetime of the plan but notes that:

"[n]one of these capital projects came to fruition for varying reasons, land availability being the primary reason".

The Council includes a section in the review on the process for drawing down funds. It states that:

⁴ The Council's letter dated 12 June 2020 reported the dates of the former TAP to be 2014-2019, however, the TAP for this period as published on the Council's website is stated to span 2014-2018.

“an important consideration for Galway City Council when preparing the [TAP] 2019-2024 was ensuring that the supply and delivery of accommodation outlined in the programme reflected the capacity and resources available. This includes the application for and drawdown of funding for Traveller-specific social housing”.

The Council sets out its future intentions to improve on the process for drawing down funds. It states that:

“through specific project teams for each accommodation scheme proposed and input from senior management in the Housing Department, the issue of funding and its drawdown will be kept to the fore”.

Through the TAP, annual targets have been set and the Council states that these will be reviewed on an on-going basis. The Council states that a report will be prepared for each quarterly LTACC meeting to ensure that progress is being maintained and any blockages will be noted and examined. The Council states that this will provide the main mechanism for monitoring progress in implementing the TAP, including progress and challenges in relation to the drawdown of funding. In addition, it states that a formal mid-term programme review will be carried out. It further states that the Council’s Capital Team will:

“continue to engage in dialogue with the Traveller Accommodation Unit, as to the most appropriate funding stream in relation to individual Traveller projects”.

The Council states that, as of October 2019, it had several projects before the DHPLG and had acquired land with a view to progressing Traveller accommodation. In light of the clarifications made in the letter dated 12 June 2020, it seems that these projects relate to the provision of group housing rather than the provision of new halting sites.

In the TAP 2019-2024, in respect of permanent residential halting sites, the Council states as follows:

“Permanent halting sites are currently managed by Galway City Council ... The current ‘Transient’ site at Carrowbrowne will be designated as a permanent site and the existing site at Circular Rd will be redeveloped into culturally appropriate Traveller accommodation. No new halting sites are proposed in the City. Requests

for halting site accommodation will be considered as vacancies arise at Tuam Road, St. Nicholas Park, Doughiska, Carrowbrowne and Cul Tra, Salthill. The Council will seek to maintain halting site facilities at Cul Tra, Salthill for as long as possible in consultation with the land owner. 7 casual allocations are anticipated up to 2024".

The review includes a section on the impact that any failure to draw down allocated funds has on the Council's statutory duty to provide accommodation. The impact of this is stated to include the consequence that:

"*circa* 40 families remain on halting sites with very limited and basic facilities. 13 of those [families] reside on a temporary site in another local authority's functional area – to address welfare concerns on this site, [the Council is] in the process of procuring replacement welfare units. A further 11 of the 40 families have no access to any sanitary facilities, water or electricity. There is overcrowding on sites as new family formation occurs with no movement from the sites."

The Council further cites high annual expenditure for the management and maintenance of Traveller-specific sites since 2015, which:

"reflects several factors on those sites but mostly overcrowding which has led to increased pressures on the physical infrastructure on the sites with increased costs for waste management, sewage management. Public health concerns have been noted and the HSE is working with Galway City Co. in addressing some of the concerns raised".

It is also noteworthy that the TAP 2019-2024 recorded a marked increase in Traveller families presenting as homeless and at risk of homelessness during the period of the TAP 2014–2018 and many of those families accessed preventative services through the COPE Family Support Service, who assisted them to secure and maintain accommodation.

E. Any further issues of equality of opportunity

In respect of the Public Sector Equality and Human Rights Duty generally, the Council made the following recommendation:

“On reflection while the TAP 2019-2024 policy statement acknowledges that the Council is committed to taking proactive steps to reduce discrimination, promote equality of opportunity and protect human rights it would be far more powerful if the LTACC develop their own Equality Statement which underpins the work of the LTACC and is then enshrined in the TAP. This could also be incorporated into other policies, plans and procedures that affect the area of Traveller Accommodation, such as the Scheme of Letting Priorities, Homeless Action Plans & Estate Management Strategies. The developed equality and human rights statement can then be applied as a proofing instrument in the Council’s and LTACC’s annual review on the planning, implementation and delivery of the TAP”.

Further notable recommendations made by the Council are as follows:

- Enhance the template used by the TAP senior management group in their monthly meetings to include equality and human rights issues; and
- Equality and diversity training to be delivered to all of the Council's elected members and staff. This will commence initially with the LTACC and rolled out by Human Resources to all sections thereafter.

As part of the Equality Review process, the Council were requested to conduct an analysis of the impact of its approach to the provision of Traveller accommodation on the equality of opportunity and/or discrimination experienced by members of the Traveller community in the local authority area. The Council responded that they see the benefit to an analysis and have a willingness to carry out this piece of work with the LTACC subject to resources being available, and that this would be discussed at the next LTACC meeting scheduled for 1 July 2020.

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 identifies that the Equality Review was conducted in-house by senior members of the housing staff working to deliver Traveller accommodation. 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. The Commission notes that the Council's LTACC was not functioning at the time the Equality Review was undertaken.

Assessment of need

The Council does not have a robust system for capturing and recording the accommodation needs of members of the Traveller community. The Council identified a difficulty in determining the precise population of the Traveller community in its functional area by reason of a lack of an ethnic identifier in the assessment process and also due to the fact that it found that the majority of Traveller households have requested standard housing. The basis for this statement is not clear.

The Council identified a number of sources from which it obtained data on the housing needs of members of the Traveller community. These included the national annual census, the annual assessment of social housing (data contained in the iHouse system) and the annual count of Traveller families. The Council states that preparing the most recent housing needs assessment involved: issuing a letter to 265 Traveller households identified as requiring accommodation; meetings with 75 individual Traveller households who did not respond to identify their preferences; and consultation with Galway Traveller Movement on the accommodation preferences of Travellers who did not respond.

Applicants were usefully enabled to identify first, second, third and fourth preferences. In terms of first preferences the findings were:

- halting site: 36 households
- culturally appropriate model: 36 households
- group housing scheme: 34 households
- standard local authority housing: 65 households

This involves a total of 171 households. This figure of 171 households is significantly less than 265 households identified as requiring accommodation and to whom letters were issued and the reasons for this are not made clear. The current TAP estimates new family formations as being of the order of 23-25 per annum during the lifetime of the current TAP (115-125 households over the five-year period). This, added to the 171 households, would indicate a total of 286-296 households (current need and projected need).

The Equality Review reports that, under the TAP 2014-2018, 38 Traveller households identified that they require Traveller-specific accommodation: halting site and group housing. The Council advises this figure was generated from a report from the iHouse system.

The Council calculated future need by statistical likelihood (4% increase estimate as suggested in the Government Task Force Report on the Traveller Community in 1995). This is a dated recommended measurement and a suboptimal alternative to collecting individual preferences directly from members of the Traveller community. It furthermore fails to address any evolution in need or the distinct needs of individual members of the Traveller community.

The TAP 2019-2024 sets out that newly formed households are expected to make suitable arrangements for securing private rented accommodation, though the Council would be cognisant of each household's need and particular circumstances, as they arise on an individual basis. This reactive means of addressing need again is a suboptimal alternative to collecting individual preferences directly from members of the Traveller community and planning for future need in advance.

There is no information provided, in the TAP or the Equality Review, on independent verification of preferences or on tracking preferences over time. 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.

Targets

There was a significant underspend of monies allocated for capital expenditure for Traveller-specific accommodation over the period from 2015 to 2018. In this same period, no funds were allocated for current expenditure for Traveller-specific accommodation, as outlined in Section 1 above.

The Equality Review notes that for the period 2014 to 2018 a target of 50 social housing tenancies was agreed in the TAP, with 82 tenancies delivered by the Council in this period. This appears to suggest an emphasis on the provision of standard housing.

The Equality Review also highlighted a number of constraints experienced in the delivery of targets during the lifetime of the TAP 2014-2018. For example, planning issues relating to the precise location of the planned Galway City Ring Road inhibited the progression of 2 independent group housing schemes proposed. The Council states that road alignment had been agreed as of October 2019 and plans for these schemes could, therefore, progress. However, this project along with the planned development for three halting sites do not appear to have been subject to a funding allocation and do not feature in the allocation figures reported, where allocations and delays in drawdown appear to reflect fire safety works.

The TAP 2019-2024 identifies planned provision for 242 households over the years 2020 to 2024, as follows:

- halting site:	7 households
- culturally appropriate model:	25 households (4 schemes)
- group housing:	15 households (3 schemes)
- standard local authority social housing:	50 households
- AHB standard housing:	30 households
- RAS and HAP:	105 households
- long-term leasing:	5 households
- extension to local authority housing:	5 households

There appears to be a gap between planned provision, 242 households, and identified and predicted need, 286-296 households. There also appears to be a gap between stated preferences in relation to Traveller-specific accommodation and planned provision of these various units. It would be important to resolve this.

While the Council had planned to provide three new halting sites in its TAP 2014-2018, it later decided not to proceed with these projects and did not draw down the relevant funds. The reasons why the Council proposed not to provide new halting sites in its functional area varied throughout the Equality Review submitted. Land availability, political opposition or 'a challenging environment' were cited as reasons alongside the outcome of a 'consultation process undertaken with Travellers during summer 2017', following which the elected members of the Council agreed to replace the provision of halting sites with 'culturally appropriate' Traveller accommodation' schemes. This was to be followed up by research carried out by CENA into what 'culturally appropriate' actually means to the Traveller community. No information on this research was provided in the review.

The process did identify that families who were listed as preferring halting site accommodation actually sought a different model of culturally appropriate accommodation. This model resembles a traditional group housing scheme with provision of a bay to accommodate a caravan or trailer. When the TAP 2014-2018 was initially adopted, provision for three halting sites was included. The mid-term review of

the TAP 2014-2018 provided for three such culturally specific accommodation schemes to replace the previous inclusion of halting sites.

It is noted that in order to ensure TAP targets were met, all relevant sections within the Housing Department meet monthly, to hold all sections to account and using a standardised template that focuses on the proposed new developments, updates on same and tasks for all going forward for the month ahead.

Funding

The Council states that members of the Traveller community in the city comprised 2.1% of the total population. This permits a comparison of ratios as between capital funding and population for the respective groups. The ratio of funding is 97,541 : 34,702,195 or 1 : 355.8. The ratio of population is 2.1 : 97.9 or 1 : 46.6. This demonstrates a shortfall in the proportionate funding of Traveller-specific accommodation.

However, the above figures may not be a true reflection of the proportion of funding directed towards Traveller accommodation as against other accommodation in that many Traveller families are accommodated using other funding schemes, e.g. the Capital Acquisition Scheme, the Scheme of Letting Priorities and the Social Housing Investment Program.

Traveller culture, nomadism and inclusion

The Council acknowledges the nomadic dimension to Traveller culture in the current TAP. Provision is made for Traveller families that may wish to leave their accommodation for short periods, provided that they notify the Council regarding absences of more than six weeks. Reference is made in the TAP to a transient site, but this is to be transformed into a permanent halting site. There is no further reference to provision of transient bays to meet the needs of those Travellers transient within and through the Council's functional area, which reflects a limited response to this nomadic dimension.

The TAP identifies that the Council will only provide Traveller-specific accommodation for indigenous Traveller households, identified as being resident in the administrative area for at least three years prior to the adoption of the TAP or as having a previous continuous five-year period of residence within the administrative area. The inclusion of

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

Moreover, a requirement of being 'indigenous' to the county 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".

Engagement, consultation and inclusion

As outlined above, the Equality Review reports that the LTACC had not met for a two year-period prior to its submission 'due to a number of factors'. These factors are not explained. The TAP notes efforts made on a continual basis to engage with Galway Traveller Movement and Traveller representatives on the LTACC, but that they declined to participate in the formal statutory consultative process for the TAP. This is a cause of concern.

It is noted, however, in the Equality Review, that elections took place in late 2019 for Traveller representatives to the LTACC and that the elections were run 'in conjunction with the local Traveller organisation'. The Commission notes that the LTACC has been a functioning committee since January 2020 and that LTACC members and staff have taken part in facilitated sessions on equality and diversity.

The Council identifies, in its current TAP, that tenant participation strategies, as *per* the Estate Management Strategy, will be developed in collaboration with Travellers and Traveller organisations in relation to Traveller-specific accommodation. While this is positive, there is no reference to inclusion of Travellers in tenant participation strategies in social housing estates.

It is of interest that the current TAP identifies that proposals for group housing schemes are being progressed adjacent to and within standard local authority housing schemes. This would appear to be facilitative of an inclusion of Travellers. Again, however, it is of

concern that no reference is made to initiatives for building integrated diverse communities in such situations.

Overcrowding and public health concerns

The Equality Review indicates significant levels of hardship in the current context, with the failure to progress Traveller-specific accommodation units over the period of the previous TAP 2014-2018. Some 40 families are noted as living with limited facilities.

Overcrowding is noted as putting pressure on the physical infrastructure on sites. Public health concerns are noted.

Private rented sector

The TAP identifies a significant number of Traveller households to be accommodated in private rented accommodation. National research identifies high levels of discrimination experienced by Travellers in the private rented sector. The Equality Review notes the insufficiency of properties available on the private market. It is of concern that no Council initiatives addressing these issues are apparent from the Equality Review or the TAP.

Homelessness

The Equality Review also identifies a significant rise in the number of families generally entering homeless services, with Travellers accounting for a disproportionate 50% of the families presenting in September 2019. It is suggested in the Equality Review that these families traditionally would have secured private rented accommodation through RAS or HAP while awaiting the allocation of a social housing unit. The current TAP notes that as of May 2019 there are approximately 68 Traveller adults and 104 Traveller children in homeless services, including 34 family units.

The Council has been innovative in recognising the particular experience of Travellers of homelessness and the need to be culturally sensitive in responding to Traveller homelessness with its provision of transitional houses as an alternative to emergency accommodation for a number of these families with 11 units made available and 9 occupied by Traveller households. This, however, does not match the scale of the issue as identified.

Supports

The Equality Review notes that 'Social Workers in the Housing Department are key advocates in the area of allocations to Traveller households' and that the Senior Social Worker meets regularly with the Galway Traveller Movement to 'capture the voice of the Traveller community in relation to accommodation issues'. There is no further detail provided by the Council regarding the types of outcomes for Travellers engaging with social worker supports, Travellers' experiences of these supports, and, in particular, how these supports are deployed to work with Travellers to assess their accommodation preferences and to support delivery of targets in regard to Traveller-specific accommodation.

The current TAP indicates that all new tenants are required to attend pre-tenancy training, as a condition of their tenancy. In the context of there being a requirement on all tenants to attend this training, it would be important that specific access and participation barriers for Traveller tenants would be identified and addressed. No information is provided on this, however, in the Equality Review.

Public Sector Equality and Human Rights Duty

The current TAP notes that the Council is committed to taking proactive steps to reduce discrimination, promote equality of opportunity and protect human rights in line with the Public Sector Equality and Human Rights Duty, and that the Council is committed to working in line with the adopted Galway City Local Community Development Committee Equality and Human Rights Statement. However, there is no reference to any further action to fulfil the requirements of the Public Sector Duty in the preparation, implementation or review 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 the recommendations set out in the Equality Review, including to:

- review the issuance of caravan loans in light of a number of families on sites who are unable to fund the acquisition of caravans from their own resources, and consider reintroducing the Caravan Loan Scheme with the DHPLG;
- develop an LTACC Equality Statement to underpin the work of the LTACC, to be enshrined in the TAP, and to be incorporated into other policies, plans and procedures that affect the area of Traveller accommodation, such as the Scheme of Letting Priorities, Homeless Action Plans, Estate Management Strategies, and be applied as a proofing instrument in the review of the TAP. A separate Halting Site Management Strategy should also be prepared and included;
- amend the Council's Scheme of Lettings Priorities to align the scheme with the TAP, as with similar housing plans;
- establish a TAU within the Housing Department of the Council, given that Travellers in the city account for 2.1% of the population compared to 0.7% at national level;
- enhance the template used by the TAP senior management group in their monthly meetings to include equality and human rights issues;
- deliver equality and diversity training to all of the Council's elected members and staff, to commence initially with the LTACC and be rolled out by Human Resources to all sections thereafter; and
- continue to engage in dialogue with the national TAU, as to the most appropriate funding stream in relation to individual Traveller projects.

2. 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, including provision of Traveller-specific accommodation to meet stated preferences;

- assessing, tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation and addressing any gaps confirmed in relation to these;
 - 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 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;
 - 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;
 - further extending the Council's approach to cultural difference in the provision of homeless services;
 - establishing appropriate processes for Traveller tenant participation in estate management on social housing estates;
 - resolving and sustaining the relationships and capacities required for a full and effective Traveller participation on the LTACC; 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. The Traveller Liaison 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. 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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