

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



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

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Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

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

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

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

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

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

CBL: Choice Based Lettings

CDP: Community Development Project

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

CLO: Community Liaison Officer

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

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

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

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

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

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

SEO: Senior Executive Officer

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

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SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

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

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

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

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

The Council submitted its initial Equality Review response to the Commission on 03 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 05 June 2020.

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

It comprises three sections, namely:

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

Section 1 Key areas of interest

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

The Council states that it conducts the annual count/estimate of Traveller families in its functional area on an annual basis as directed by the DHPLG. It reports that it also completes the annual Housing Needs Assessment in accordance with s.21 of the 2009 Act.

In respect of the current TAP, the Council reports that an assessment of needs based on open housing applications, by consultation with Traveller families and organisations, existing local authority tenants and AHBs and through assessment of likely family formation over the period of the TAP, was carried out. It outlines, in Section 4 of the current TAP in relation to assessment methodology, that:

“a review of 49 housing applications was carried out to determine the housing requirements of all applicants”.

It reports that the projected need was estimated based on the available information regarding household composition and ages of the household members of housing applicants, tenants of local authority and AHBs, and owner occupiers. It reports that the below categories of individuals were included:

- Adult children living with parents who had not applied for social housing;
- Adults living with relatives who had not applied for social housing; and
- Children of tenants, housing applicants, owner occupiers etc. who would reach the age of 18 during the duration of the programme i.e. 01/07/2019 to 30/06/2024.

The Council notes that the current accommodation position was recorded in the TAP to be 'the majority of the 49 applicants live in private rented accommodation (43%) or share accommodation with family or friends (29%). 26% live in temporary dwellings (road side caravans) or homeless emergency accommodation/homeless hubs and

therefore can be considered having very unstable living conditions. 2% are in temporary institutional settings’.

The Council notes that the TAP recorded the following breakdown of housing requirements: ‘the majority 43 (88%) of the 49 applicants requested standard social housing only. 2 (4%) requested Traveller Group housing only and 4 (8%) halting site accommodation’. The Council states that this indicated that, while there was some interest in Traveller group housing, the majority of the Traveller applicants preferred standard social housing accommodation.

The Council reports that the TAP concluded on projected need as follows: ‘the estimation of the projected need indicates accommodation need for 238 households during the duration of the programme. Whilst it has not been possible to establish the accommodation preference of these 238 individuals, it is envisaged based on the housing applicants’ strong preference for standard social housing, that the majority would consider standard accommodation’.

The Council reports that in preparing its current 5 year TAP and all the previous accommodation programmes, it undertook a comprehensive consultation process with all stakeholders, including meetings with members of the Traveller community, the local Traveller action group (Laois Traveller Action Group), the LTACC, the Housing Strategic Policy Committee and members of the Council. The Council reports that contact was also made with the HSE, adjoining local authorities, Traveller and local development organisations and other groups interested in the provision of services to the Traveller community. The Council states that, by way of advertisements in the local press, written submissions were sought from members of the public and other groups who wished to make a contribution towards the preparation of the programme. The Council states that no submissions were received. It states, however, that there is broad support for the approach the Council has taken to provide social housing accommodation for members of the Traveller community.

The Council reports that the LTACC was established in 1999 and that its role is to advise on the preparation and implementation of the TAP. It also provides a liaison between Travellers and officials of the Council. The composition of the LTACC consists

of three elected members, five Traveller representatives and four officials of the Council. The LTACC meets on a quarterly basis. The Council states that it will continue to engage on Traveller issues through the LTACC.

The Council states that it is its policy to provide accommodation for members of the Traveller community who apply for it, and who, pursuant to generic housing legislation and the 1998 Act, are considered to be in need of accommodation. The Council reports that all applications, regardless of being a member or non-member of the Traveller community, are considered in accordance with the Council Allocations Scheme and the points system, adopted in 2011. The Council states that, under this scheme, members of the Traveller community are given priority under the specified categories of need. It states that the Housing Allocations Scheme also includes a condition that nothing in the scheme shall operate to prevent the Council from providing accommodation where the need arises.

The Council states that advice and assistance are provided to all applicants and/or their representatives, if requested by the applicant, to address any difficulties that may arise in completing the application process.

The Council reports that it is its policy to consult with Traveller applicants regarding their accommodation needs and requirements to provide, where appropriate, Traveller-specific accommodation. The Council states that it recognises that Traveller-specific accommodation may not always be available to each applicant and other options will therefore be explored and offered.

The Council reports that it provides a full range of housing options in the provision of accommodation to Travellers, including standard social housing accommodation, Traveller group housing, Traveller halting site accommodation, private house ownership – loans and grants, private rented accommodation with the support of HAP, nominations to AHBs and Part V houses.¹

¹Part V of the Planning and Development Act 2000 allows a local authority to require developers to set aside a certain proportion of new developments for social or affordable housing. The percentage of land that must be provided for social and affordable housing in a housing development was reduced to 10% - from 20% - under the Urban Regeneration and Housing Act 2015.

The Council reports that all Council housing stock, including Traveller-specific accommodation, is managed on the same basis, i.e. adherence to a tenancy agreement and in line with the Council's anti-social behaviour strategy. The Council states that whilst the Council has the primary responsibility for maintenance and management of its housing stock and estates, the tenants of the Council are encouraged to develop a sense of ownership and, where feasible, to actively participate in the estate management through resident associations/committees. The Council reports that pre-tenancy courses are provided by the Estate Management Team for all tenants.

The Council reports that Traveller households who have a family member with a disability will be assessed in accordance with the Council's Disability Strategy and, where resources are available, will be offered appropriate accommodation.

The Council states that it employs a Senior Social Worker, Social Worker and Tenant Liaison Officer who, as part of their duties, provide support to the Traveller community. The Council reports that it has a dedicated Homeless Action Team which reviews homeless cases, including members of the Traveller community, on a fortnightly basis. It states that this is a multi-disciplinary team, which strives to prevent homelessness and provide support to those in emergency accommodation.

The Council reports that the homeless HAP Place Finder is also available to members of the Traveller community who wish to avail of the HAP Scheme.

The Council reports that housing personnel, including the A/SEO, A/AO and Senior Social Worker meet on a regular basis to discuss housing need and transfer requests, including those from members of the Traveller community.

B. Comparison of funding to comparator group

According to the current TAP, County Laois has a population of 84,697, of which 196 are members of the Traveller community. The Council states, however, that the Traveller population can be under-reported, as many Travellers do not disclose their Traveller identity, often for fear of discrimination. It reports that Census 2016 indicated that in County Laois, the largest number of Travellers was in the 0-14 age group.

The Council states that no funds were allocated from 2015 to 2018 for Traveller-specific accommodation. The Council notes that in 2013, it had just completed a group housing scheme in Portarlinton to the cost of €761,000.

The Council reports that in 2019, the Council submitted a Stage 1 application for the upgrade and extension of Portlaoise halting site. It reports that Stage 1 approval in the amount of €641,761.87 was received on 23 May 2019. It states that a full integrated design team has been procured through the OGP framework and preparation of the Stage 2 application had commenced as of October 2019. The Council envisages that the full funding approval will be drawn down within the lifetime of the TAP 2019-2024.

In respect of expenditure for standard housing, the Council reports that the total amount drawn down from 2015 to 2018 came to €19,497,654. This included the construction of 39 new dwellings and the acquisition of 111 standard houses. 10 of these acquisitions were allocated to the Traveller community during this period and a further 27 were allocated to Traveller households from new build dwellings and casual vacancies.

The Council states that the targets set out in the TAP 2019-2024 will be delivered drawing on a range of funding sources, including the Council's New Build Programme, Acquisition Programme, casual vacancies, AHB Build Programme, Part 5 delivery, leasing, RAS, and the HAP.

C. Adequacy of funding

The Council states that under the 2014-2018 TAP, the Council committed to providing 40 standard housing units and, in that period, the actual delivery was 48 standard housing units. The Council states that the current delivery target is 40 units, of which 37 are standard social housing units similar to the previous programme and three halting site bays to extend the Portlaoise halting site to four bays.

As referenced above, the Council reports that there is a commitment to carry out one offer of Traveller-specific accommodation through the refurbishment and extension of Portlaoise halting site for which Stage 1 approval in the amount of €641,761.87 was

received in May 2019 and in relation to which preparation of the Stage 2 application has been commenced.

The Council states that, at the time of the last annual estimate of Traveller families in November 2019, 16 families remained living on the roadside and/or private land or on unauthorised sites. The Council reports that only seven of these families applied to the Council for housing accommodation. It reports that four of these families were offered housing and only one had accepted. The Council states that the refusals were based on location and the type of heating systems.

The Council reports that it currently has one halting site in its functional area. It states that this initially was a 2 x 10 bay site in the 1980s but, due to varying issues, the site had to be refurbished. The refurbishment resulted in a 2 x 10 bay site and 1 x 4 bay overflow area with a pre-school facility onsite. It reports that this site was, over a period of time, the subject of vandalism and anti-social behaviour. It was eventually reduced to one bay with one family only. It is now proposed in the current TAP to extend this site by three bays to accommodate the extended family of the existing residents of the halting site.

The Council reports that it has two group housing schemes in its functional area. One such scheme in Mountmellick accommodates three families. A pre-school facility and homework club is located adjacent to the site in a house provided by the Council. The other scheme in Portarlinton accommodates five families. The scheme in Portarlinton originally provided accommodation for six families. The Council states that one property was burnt down and, due to the circumstances surrounding that incident, it was never rebuilt.

The Council reports that the area on which the Portarlinton Group Housing Scheme is located was originally the site of the Woodlands Park halting site. However, the Council states that due to anti-social behaviour and vandalism this site was closed down.

The Council states that a third group housing scheme of five was provided in Mountmellick by the Council in the 1980s. The Council reports that, due to vandalism, this was reduced to two houses which have now been purchased by two members of the one extended Traveller family.

D. Whether all funding allocated drawn down

The Council reports that it did not apply for funds for Traveller-specific accommodation for the period 2015-2018. The Council states that 10 newly acquired/constructed standard housing units at a total cost of €1,140,105.00 were allocated to Traveller families during this period. It states that the finance for these acquisitions came out of the overall housing capital budget.

E. Any further issues of equality of opportunity

The Council states that the Public Sector Duty has been taken into account in the preparation of the TAP 2019-2024 and is incorporated in the Council's Corporate Plan 2019-2024.

The Council states that this duty can be monitored through the LTACC, the various strategic policy committees of the Council and the monthly publicly held meetings of the three municipal districts and the Council. It states that monitoring also takes place in the form of the annual E-returns to the TAU and quarterly and annual returns to the DHPLG.

The Council makes the following recommendations in its Equality Review:

- Further training for all local authority personnel, elected members and LTACC members in the areas of equality, human rights and anti-discriminatory practices;
- The specific reporting in the Council's Capital Housing Programme of the accommodation of Travellers. This would ensure that there is a complete recording of the accommodation delivery on new construction sites; and
- While there may be other matters to consider, it would assist in identifying and assessing the needs of the Traveller community for future programmes if the application form for social housing supports would allow members of the Traveller community to identify themselves as Travellers. It is understood that training and awareness for staff would be required to implement this provision.

Section 2 Issues Arising

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

The process of completing the Equality Review

There is no indication of the process pursued by the Council in undertaking this Equality Review. In particular there is no mention of any participation by the LTACC or by local Travellers or Traveller organisations which would be expected in such a process.²

Capturing need and identifying true preferences

The Council's TAP 2019-2024 indicates that:

“[i]n total 40 units of accommodation will be provided over the lifetime of the Programme - 37 standard housing; and three halting site bays”.

The current TAP also advises, however, that 49 households requested accommodation: 43 for standard social housing, two for Traveller group housing, and four for halting site accommodation.

In preparation for the current TAP, the Council states that it carried out a review of 49 housing applications to determine the housing requirements of all applicants. It is not clear whether this was a paper-based review or whether the relevant applicants themselves were interviewed. There appears to be no further process to assess need and identify preferences. Neither the Equality Review, nor the TAP offer information regarding how need is assessed and consequently, how the final targets are arrived at. Projected need was then calculated on the basis of current accommodation type and the number of children who would reach the age of 18 over the course of the TAP cycle. It was estimated on this basis that there would be a need to accommodate 238 individuals throughout the duration of the TAP. The Council states that while it had not been possible to establish the accommodation preference of these 238 individuals, it

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:

“Laois County Council, in carrying out this review and in fulfilling its statutory role in providing accommodation for travellers and also, in assessing members of the travelling community for accommodation, consulted with the LTACC, local travellers and local traveller organisations”.

was envisaged based on the housing applicants' strong preference for standard social housing, that the majority would consider standard accommodation. The apparent reliance on a review of those who have applied for social housing supports is inadequate, particularly in the context of the barriers that Travellers may experience in completing an application, such as: information, literacy, and digital access barriers. Consequently, based on the information provided, the Council does not appear to have a robust system for capturing and recording the true accommodation preferences of members of the Traveller community.

Furthermore, the difficulties with this approach were identified by the TAER, which found that recording snap-shot or historical data on existing accommodation did not equate to an accurate record of accommodation preferences. Moreover, 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.

The Council states that it also undertook a comprehensive consultation process with all stakeholders, including meetings with members of the Traveller community, the local Traveller action group (Laois Traveller Action Group), the LTACC, the Housing Strategic Policy Committee and the HSE in preparing the TAP. However, despite inviting submissions, no submissions were received. The basis for the Council's conclusion that there was broad support for its approach to provide social housing accommodation for Travellers was not clear.

Notably, of concern is the Council's statement that:

"it recognises that Traveller-specific accommodation may not be always available to each applicant and other options will therefore be explored and offered".

Funding for Traveller-specific accommodation is available from the DHPLG. The Council has an obligation to assess the true accommodation preferences of Travellers and to apply for and draw down the necessary funding.

It is noted that the Council recommended that, while there may be other matters to consider, it would assist in identifying and assessing the needs of the Traveller community for future programmes if the application form for social housing supports would allow members of the Traveller community to identify themselves as Travellers. The Council understands that training and awareness for staff would be required to implement this provision.

Fund allocation and expenditure

The Equality Review provides limited financial data in respect of the Council's allocation and expenditure on Traveller accommodation over the period for which data is requested. In the additional information supplied, the Council states that over the course of its 2014-2018 TAP, the Council did not request any allocation for Traveller-specific accommodation. It is of concern that no funds were allocated for Traveller-specific accommodation during this period. It is noted however, that in 2013, the Council had just completed a group housing scheme in Portarlinton to the cost of €761,000.

While the 2014-2018 TAP indicates a targeted need for 16 units of Traveller group housing, this TAP also advises that this provision is unlikely to be met over the course of the programme. In the absence of financial information for each of these years, however, it is not possible to determine if any allocation was sought for this group housing provision.³

The Council currently operates two group housing schemes and one halting site. No financial information is provided by the Council in regard to expenditure on maintenance/upgrades to these units of Traveller-specific accommodation between 2015 and 2019. The Council does state that, in 2019, Stage 1 approval was submitted

³ In June 2021, the Council advised that while the 2014-2018 TAP indicates a targeted need for 16 units of Traveller group housing, no allocation was sought as no suitable sites were available.

and approved for €641,761 for the upgrade and extension of the Council's Portlaoise halting site.⁴

The Council states that the targets set out in the TAP 2019-2024 will be delivered and it was envisaged that the full funding approval would be drawn down within the lifetime of the TAP, drawing on a range of funding sources, including the Council's New Build Programme, Acquisition Programme, casual vacancies, AHB build programme, Part 5 delivery, leasing, RAS, and the HAP. As such, while Traveller-specific accommodation funding was not allocated over the course of 2014-2018, the accommodation needs of Travellers may have been met from other funding sources. It is noted that the Council recommended specific reporting in its capital housing programme of the accommodation of Travellers. The Council considered that this would ensure that there was a complete recording of the accommodation delivery on new construction sites.

In respect of expenditure for standard housing, the total amount drawn down from 2015 to 2018 came to €19,497,654. This included the construction of 39 new dwellings. The Council further states that during the period 2015-2018 it acquired 111 houses, 10 of which were allocated to members of the Traveller community at a total cost of €1,140,105.00. It is noted that as the funding for these properties came out of the overall housing capital budget, it would not have been reported on specifically in funding returns as Traveller-specific allocations.⁵

The Commission requested further information from the Council in regard to funding allocated to it in respect of general or standard housing, in each of the last four years (the initial data provided having referred only to drawdown). The Council did not provide this information in its follow-up correspondence.

⁴In June 2021, the Council advised that:

"Expenditure on the 2 Group housing schemes from 2015-2018 was €4,948, this was not recouped from the TAU, both schemes are well maintained by the tenants. There was €30,151 spent on Portlaoise Halting site in the same period, this money was also not recouped from the TAU".

⁵In June 2021, the Council has advised that it:

"drew down €14,237,857.00 between 2015-2018 for the acquisition of 111 standard houses, 10 of these were allocated to the Travelling community during this period at an average cost of €128,269 per house bringing total spent on Travellers [sic] Acquisitions to €1,282,690 during this period"

The Commission notes that under the TAP 2014-2018 the Council committed to providing 40 standard housing units and in that period the actual delivery was 48 standard housing units. Under the current TAP, delivery target is 40 units of which 37 are standard social housing units similar to the previous programme and three are halting site bays to extend the Portlaoise halting site to four bays

Supports

There would appear to be an absence of Traveller-specific supports, in the Council, to assess Travellers' accommodation preferences, to enable access for Travellers to housing services, and to support delivery of targets in regard to Traveller-specific accommodation. The Council states that it is its policy to provide accommodation for members of the Traveller community who apply for it, yet it does not seem to have any mechanism in place to assist Travellers in making such applications in circumstances where they may face literacy and digital literacy obstacles or may not have access to a computer where online systems are used.⁶

The Equality Review further notes that:

“[p]re-tenancy courses are provided by the Estate Management Team for all tenants”.

However, the TAP indicates that all new tenants '*are required to attend*' pre-tenancy training. 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 are identified and addressed. However, no information is provided on this in the Equality Review.

⁶In June 2021, the Council has advised that there is:

“daily cooperation between Laois County Council personnel and Laois Traveller Action Group and the Traveller Health unit in the HSE. Laois Traveller Action Group provide a comprehensive service for all travellers wishing to apply for housing supports and a system is in place whereby the applications are forwarded directly to the Senior Social Worker. To further assist Travellers in securing appropriate accommodation it is within the remit of the Senior Social Worker to make recommendations on allocations to the Senior Executive Officer, Housing”.

The Council has further advised in June 2021 that members of the Traveller community have unlimited access to housing personnel through the Laois Traveller Action Group & elected members.

In regard to the maintenance and operation of Traveller-specific accommodation, the Equality Review notes that all tenants of the Council:

“are encouraged to develop a sense of ownership and where feasible to actively participate in the estate management through resident associations/committees”.

No information is provided, however, on establishing appropriate processes for Traveller participation in estate management on Traveller-specific accommodation. No tenant participation in estate management initiatives are reported in the Equality Review.⁷

The Council states that Travellers can avail of the services of the Council’s Senior Social Worker, Social Worker, Tenant Liaison Officer, and Homeless Action Team. The Council offers no detail in regard to how these general supports take account of the specific needs of the local Traveller community, arising from their ethnic identity and having regard to the specific barriers this community experiences in accessing accommodation in the Equality Review.

The HAP Place Finder is also available to members of the Traveller community who wish to avail of the HAP scheme.

Prioritisation of Travellers

The Commission notes that under the Council Allocation Scheme, members of the Traveller community are given priority.

LTACC

It is noted that there are five Travellers represented on the LTACC, including members of the local Travellers organisation, however, there is no detail provided regarding the process by which Traveller representatives are appointed onto the LTACC or the

⁷In June 2021, the Council has advised that:

“at least 2 Travellers held position of chairperson of their local residents associations in the period 2015-2018.”

process for them to have accountability back to the wider local Traveller community or the supports provided to enable an effective participation.⁸

Needs of Travellers with disabilities

The Equality Review provides that Traveller households who have a family member with a disability will be assessed in accordance with the Council's Disability Strategy and, where resources are available, will be offered appropriate accommodation. The current TAP identifies that 30% of 50 applicants for social housing supports reported having a particular housing need due to a disability or a medical condition. The Equality Review does not, however, provide detail on what response was made to address the high level of need in regard to applicants with a disability from the Traveller community. It is not noted whether the Council's housing strategy for people with disabilities makes reference to the approach to addressing the needs of Travellers with disabilities.

Traveller culture and diversity

In regard to transient accommodation, the Council states, in its current TAP, that a transient site is not considered necessary. It appears that this conclusion is arrived at by a:

"review of the records for temporary dwellings for the past five years".

This suggests an absence of any consultation with Travellers as part of this decision. The current TAP further states that the Council will not make provision for Traveller families (including traders) who move into the area from time to time. This would appear to be a failure to take account of cultural diversity, and the importance of movement within Traveller culture and identity.

The Council's Equality Review and current TAP state that Travellers in the administrative area express a strong preference for standard housing. However, it is relevant to examine the potentially problematic context in which this apparent shift in

⁸In June 2021, the Council has advised that:

"Traveller representatives are appointed to the LTACC in accordance with the Housing (Traveller Accommodation) Act, 1998 and TAU guidelines. Requests for representation are referred to the Laois Traveller Action Group by the LTACC. A countywide representation has been sought but the Action Group have found it difficult to secure such involvement".

accommodation preference is occurring. The current and previous TAPs, for example, both state that it is unlikely that expressed preferences for Traveller-specific accommodation will be provided over the course of these programmes.

The 2014-2018 TAP indicates expressed preferences for 16 units of Traveller group housing provision, but goes on to state that:

“it is unrealistic to expect to meet this need over the course of the lifetime of the Programme”,

citing issues such as:

“land availability, planning issues, and cooperation between all parties”.

The current TAP notes that over the course of its previous TAPs (2000-2018), only six of the proposed 33 units of Traveller group housing were provided. The main reasons noted are: the intended tenants had left the administrative area; the intended tenants chose another accommodation option; and difficulties in acquiring suitable sites. The current TAP also notes that, beyond a commitment to extend the Oakpark halting site in Portlaoise from its current one bay to four bays to accommodate the extended family of the existing residents, there is no commitment to providing additional halting site provision to the four households requesting such provision.

The Council’s stated views that it is unlikely to provide new units of Traveller-specific accommodation-could be a critical factor in influencing the changing accommodation preferences of Travellers. This issue is something that would have required examination in the Equality Review, however, the issue of preferences is not addressed. There is no independent verification process identified in relation to the preferences, and no tracking of these over time reported in the TAP or the Equality Review.

In a context where the Council suggests a preference for standard housing among Travellers and emphasises this in its provision, it does not appear to give consideration to the need to proactively respond to the practical implications of cultural diversity in its general provision of social housing, which is limiting. There is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates.

Private rented accommodation

The current TAP notes that while the majority of targets will be met through standard local authority housing provision, some targets will be achieved through HAP support to access private rented accommodation. The Equality Review does not address issues in relation to HAP or RAS and Traveller access to private rented accommodation. This is a gap considering the well-documented experiences of discrimination among Travellers in this sector.

Homelessness

The Equality Review does not address Traveller homelessness, but a level of homelessness and overcrowding is identified in the current TAP: 26% of current applicants are noted as living on the roadside or in homeless emergency accommodation. There is no identification of the specific experience of homelessness and homeless services by Travellers or specific needs they might have on foot of cultural difference. This appears limiting as it fails to take account of any practical implications that might arise due to cultural difference, and thus possibly presenting barriers to uptake of or outcomes from homeless services.

Statements by the Council re Activities on Group Housing and Halting Sites

The Equality Review refers to issues of anti-social behaviour, vandalism, and arson, on its group housing and halting sites. It is of concern that a number of a number of Traveller-specific housing schemes and projects were closed down or abandoned for these reasons. The Equality Review offers no detail in regard to what, if any processes were employed by the Council to engage with the local Traveller families in regard to these issues or to analyse their causes.⁹

It is crucial that the Council obtains the buy-in of local Traveller residents prior to envisaged development or refurbishment works. They should be consulted and given

⁹In June 2021, the Council has advised that it:

“at all times endeavours to engage with the local Travellers [sic] families in relation to anti-social behaviour and vandalism in group housing and halting sites. Consultation took place with Laois Traveller Action and representatives regarding these issues”.

the opportunity to raise any concerns prior to the planning stage of any such works. If these incidents were caused by local settled community members, it is not clear what steps were taken to report on any criminal or discriminatory behaviour.¹⁰

The Public Sector Equality and Human Rights Duty

The Council's Equality Review notes that the Council is bound by Section 42 of the IHREC Act 2014 Public Sector Duty in the performance of its functions in relation to the provision of accommodation. The Commission notes the Council's statement that the Public Sector Duty was taken into account in the preparation of the TAP 2019-2024 and was incorporated in the Council's Corporate Plan 2019-2024. No information is provided on this process, however, and there is no such reference to the duty in the Council's current TAP.

The Equality Review refers to the Council's commitment, in its Corporate Plan, to:

"promoting social inclusion in all its activities and supporting socially inclusive communities"

and its commitment:

"to work to reduce poverty, promote social inclusion, integration and equality through local, regional and national engagement and collaboration".

There are no specific processes, outputs or outcomes noted in regard to these commitments and the Council's work to address the accommodation needs of Travellers. The Council did set out the means by which this could be monitored.

It is noted that the Council recommends further training for all local authority personnel, elected members and LTACC members in the areas of equality, human rights and anti-discriminatory practices.

¹⁰ In June 2021, the Council has advised that:

"Prior to the construction of any halting site or group housing schemes, Laois County Council consulted extensively with the families concerned. For example, prior to the construction of Woodlands Park group housing scheme in Portarlinton, the families themselves [were] integral in the identification of the 6 prospective tenants".

Section 3 Recommendations

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

1. Address policy and procedure for:

- presenting data in the TAPs and progress reports, in particular: providing detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area;
- tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation and ensuring a respect for Traveller culture and identity in meeting these;
- establishing appropriate processes for Traveller participation in estate management on Traveller-specific accommodation;
- responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;
- identifying and developing culturally specific responses to the needs of Travellers experiencing homelessness, and extending the use of an ethnic identifier to these services;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
- establishing and developing a response to the needs of Travellers who are nomadic within and throughout the county through the provision of transient halting site bays;

- identifying and responding to specific needs of Travellers that flow from their distinct culture and identity; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. Address the specific recommendations the Council makes in its Equality Review, namely that:
- further training be provided for all local authority personnel, elected members and LTACC members in the areas of equality, human rights and anti-discriminatory practices; and
 - the specific reporting in the Council's Capital Housing Programme of the accommodation of Travellers, to include a complete recording of the accommodation delivery on new construction sites.
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. In addition to a Tenant Liaison Officer, 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. Engage the services of an appropriate independent body, to draft a report on the reasons why any significant incidents of anti-social behaviour, vandalism or arson had occurred on Traveller-specific accommodation sites and possible steps that could be taken to ensure that such incidents do not recur and that any underlying issues are addressed, particularly in respect of improved consultation processes. Any such steps taken by the Council should be published.
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 draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report into the reasons for this and follow any recommendations made.

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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