

An account of the Equality Review carried out by Limerick City and 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 Limerick City and 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 17 July 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 accommodation needs are assessed in accordance with generic housing legislation and the 1998 Act. An application for accommodation must be made by means of the standard housing application form. The Council provides a bi-monthly Traveller Accommodation Clinic, where applicants or tenants of the local authority can seek assistance with any queries regarding accommodation issues. The Council states that this forum helps provide applicants and / or their representatives with help, if requested, to address any difficulties that may arise in completing the application process. The review states that other social housing options available to Travellers are as follows: caravan loan scheme; CBL; HAP; RAS; mortgage to rent; special grant for Travellers for first time purchase of house; 'DP grant'; 'MA grant'; and 'HA grant'.¹

The Council states that Traveller housing applicants are assessed and considered for housing in the context of the TAP and the 2011 Assessment Regulations. It states that qualified applicants are considered for available accommodation in accordance with the Council's Scheme of Letting Priorities.

At page 10 of the TAP 2019-2024, an outline of existing accommodation provision is set out, stating:

"The majority of Traveller families throughout Limerick reside in housing. There has been a strong tradition of Halting Site (Residential Caravan Sites) provision within the Limerick Metropolitan District but during the period of the most recent programme seventeen families transferred from halting site accommodation to generic housing. The majority of families who continue to reside in halting sites have expressed a preference for housing particularly group

¹ The Equality Review does not provide the full titles of these grants but from the Council's TAP 2019-2024 it appears that the following grants are available to Traveller applicants for social housing: Annuity Loans/Traveller Grant for purchase of a house; Mobility Aids Housing Grant Scheme; Housing Aid for Older People; and Housing Adaptation Grant for People with a Disability.

housing. In general, families are supported to avail of a range of social housing options which best suit their accommodation need”.

At page 11, in respect of the assessment of need, it is stated that:

“An assessment of accommodation need was undertaken in March 2018 by the local authority as prescribed under Section 9 of the Housing Act 1988. This statutory assessment of need assessed all applicants seeking assistance with accommodation. An additional assessment of need was undertaken in August 2018 to assist in the formulation of this programme and included an assessment of need for sites as per Section 6 of the Housing (Traveller Accommodation) Act 1998. In May 2019 a Summary of Social Housing Needs Assessment was completed and the number of approved Traveller family applicants seeking assistance with accommodation from Limerick City and County Council was 159 families”.

At page 12, it is clarified that:

“Families can only be included in the assessment of need, and therefore be considered for accommodation, if the appropriate application forms are completed, and submitted to the local authority. When submitted, an assessment will be undertaken to determine the accommodation need in accordance with the statutory assessment regulations. Families will be supported in this process and the onus to complete and submit the appropriate forms is on the applicants themselves”.

In respect of projected need, the TAP continues on the same page to state that:

“Experience gained from previous programmes and consideration of other factors indicate that the projected increase is at least an increase of 7% per annum ... It must be acknowledged that expectations have to be realistic with regard to accommodation targets. The availability of social housing supply and the reality that there is a waiting period for all new approved applicants before local the [sic] authority accommodation comes on stream needs to be taken into account”.

The Council states that it is its policy that, where feasible, the preferred option in terms of accommodation requested be considered. It states that if this is not possible, other accommodation options will be considered and offered to the housing applicant. It states that Traveller families who present as homeless will be afforded the supports and services contained in the Homeless Strategy for the Mid-West Region.

The review reports that the LTACC meets four times a year. It states that a new LTACC was recently formed, the composition of the LTACC is reported as follows: 5 member of the Traveller community, 4 public representatives and 3 local authority officials.

The Council states that the aim of the LTACC is to help prepare and advise with regard to the TAP. It also advises Council senior management on issues of Traveller accommodation. The LTACC works in conjunction with the NTACC.

The Council states that the LTACC:

“must be productive and provide a safe environment where all member [sic] can contribute”.

It states that the Council is:

“very conscious to use clear language, no technical terms or jargon”.

It states that:

“Council officials also provide a safe space prior to the LTACC meeting, where individuals with literacy issues are supported with the procedures of the LTACC and the agenda for the meeting”

It states that each meeting has a presentation with visuals of progress to date. It is the opinion of Council officials that visual presentations help to provide the LTACC with the best overview of the work on Traveller accommodation.

The Council states in its review that it intended to provide a workshop for all new members of the LTACC in October 2019 to afford them the time to become familiar with the whole process. The review states that:

“[i]t is also the intention of the Council, that new LTACC to [sic] conduct field trips for the committee members to view first-hand the capital works which are taking place throughout the county”.

The Council states that supports are provided to Travellers by Council staff through specialist clinics, a social work service and a wraparound service for new tenants to help sustain their tenancies. The caravan loan scheme is available to families who wish to apply, however the Council has noticed Traveller families are now requesting offers of houses instead of applying for caravan loans.

The Council highlights that the social work practice is a professional discipline within the local authority. It states that the social worker provides professional reports and recommendations for members of the Traveller community and provides an input into policy formation and can influence thinking within the local authority. Tasks carried out by the social worker include an initial assessment interview (a face to face follow up interview), home visits, provision of emotional support to clients, referrals to other agencies, assisting clients with sourcing private rented accommodation, advocating for clients, inter-agency work, work with Traveller projects including Traveller Pride week and the preparation of social work reports.

The review states that the 'Traveller Unit' is a multidisciplinary team of social care professionals and clerical staff who work together to deliver local accessible housing supports. It states that the Traveller population to be served by this team is growing due to the formation of new families. It states that the Traveller Unit has a planning role in setting out, securing and structuring the future housing opportunities for the Traveller community based on the existing and projected population base. This work is carried out with support from the DHPLG. The Council states that the TAP 2019-2024 will be the guiding document in order to achieve these goals.

The Council states that this work can only be done in cooperation with the Traveller families. The Council states that it is its experience that families should have an input into the type of accommodation they need, in order for projects to succeed and housing to be provided. It states that the main aim of the unit is to improve relations with the Traveller community and the non-Traveller community. It states that the unit

oversees 11 Traveller-specific sites, managing over 100 families, which make up over 200 adults and approximately 220 children. The Council reports that in the Limerick Metropolitan area there are 8 Traveller-specific accommodation sites. It states that issues that arise in Traveller-specific accommodation tend to be, for example, overcrowding, poor accommodation and estate management issues. It states that the Traveller Unit works closely with the maintenance department who provide a daily service to Traveller-specific accommodation in the Metropolitan area. This service is provided by a contractor who is on call 24/7 all year around. The Council states that the Traveller Unit has two specific phone numbers for customers in order to keep 'Traveller Maintenance' and 'Traveller Welfare' issues separate. It states that it also has a bi-monthly Housing Clinic in City Hall, for which no appointment is required.

The Council states that capital works for Traveller accommodation are carried out by the Housing Development and Design & Delivery teams, in conjunction with the Traveller Unit. It states that, initially, the housing development team agree to a project, the information is then passed to the Design & Delivery department who design the project, in cooperation with the Traveller Unit and the housing applicants or tenants. Officials then seek funding from the DHPLG in order to carry out the works.

The Council notes that the setting up of the Traveller referral system has allowed the team to quantify the work carried out on Sugar CRM (a Council database), which allows a strategic overview of the workload and creates a process to deal with the workload efficiently. The Council reports that the Traveller Unit has been in operation since 2017 and that staff have dealt with and closed over 1,122 referrals. The Council states that the framework structure for the Traveller Unit includes ensuring access to a range of accommodation services, to environmental education & awareness services, to the veterinary department, to the bin waiver scheme and to fire education, information and awareness.

The Council states that the Traveller Unit also facilitates access to other agencies, including the HSE, An Garda Síochána, the Department of Social Protection, CENA, the Irish Traveller Movement, Pavee Point, Tusla, the Department of Education, Law and Mediation, Limerick and National Traveller MABS.

B. Comparison of funding to comparator group

Table 1a of the Equality Review, relating to annual capital expenditure for Traveller-specific accommodation from 2015 to 2018, sets out that the total allocated funding over this period was €9,357,416. It is reported that the total sum drawn down came to €2,740,268 and that total additional local authority funding came to €446,407.

For 2019, it is reported that, as of October of that year, the total sum allocated was €278,001 and the total figure drawn down was €680,185. Additional local authority funding came to €33,103.

Table 2 of the Equality Review sets out the figures in respect of current expenditure for Traveller-specific accommodation from 2015 to 2018. No funds were allocated and the Council includes an explanatory footnote to explain that it does not receive an overall allocation from DHPLG but follows DHPLG guidelines in claiming monies for current expenditure. It is reported that the total figure drawn down came to €1,917,795 and total additional local authority funding came to €1,814,415.

For capital expenditure on general housing from 2015 to 2018, it is reported that the total amount allocated was €187,354,277. It is reported that the total sum drawn down came to €193,005,605 and total additional local authority funding came to €19,984,334. In respect of current expenditure for general housing over the same period, again, no figures were set out for funds drawn down and the Council explains that it does not receive an overall allocation from the DHPLG, but follows DHPLG guidelines in claiming monies for current expenditure. It is reported that the total sum drawn down came to €565,297,031 and the total additional local authority funding came to €294,713,449.

For capital expenditure on Traveller-specific accommodation, there was a significant underspend from 2015-2018 in respect of a number of different projects, but an overspend as of October 2019. For general housing, there was a slight overspend in the period from 2015 to 2018.

² In June 2021, when provided with a draft of this account, the Council expressed the view that:

C. Adequacy of funding

The Council's previous TAP 2014-2018 set a target of accommodating 90 families. The Council states that it exceeded the target set. It reports that 94 families accepted offers of accommodation, 9 families were transferred to larger accommodation and 41 mobile homes were provided to families through emergency provision.

In addition to the targets achieved, the Council states that refurbishment works were carried out in residential caravan parks and group housing schemes.

D. Whether all funding allocated drawn down

In respect of the failure to draw down some funds that were allocated by the DHPLG from 2015 to 2018, the Council states that in the majority of instances, the failure to draw down was by reason of the relevant project being completed in a different year. It states that most projects were in fact completed, albeit not within a year. In respect of a number of completed projects, it states that funding was stated to be by local authority internal capital receipts.

The Council provides that one project that was delayed for a longer period than others was Kilmurry TA Bays Refurb 2/5/7. While funds were allocated in 2017, the project was not completed until 2019. It reports that:

“this delay was as a result of Agreement Delay coupled with internal resource issues which is normal on all public housing projects”.

In 2018, in respect of a project of ‘Pur of demountables/mobile homes’, it reports that no sums were allocated, as the ‘projected figure was not in accordance with the actual requirements’. It states that the projected figure of €443,746.25 was not approved by the DHPLG, but that a smaller sum of €39,875 was in fact drawn down.

“the system of Capital Funding Alignment to general Housing Projects creates an unrealistic expectation of delivery when Local Authorities are often dealing with a site of 15 Families and working respectfully with individuals to achieve a culturally appropriate housing solution”.

³ In June 2021, the Council advised the Commission that, of the 94 families that accepted offers of accommodation during the period of the TAP 2014-2018 ‘[t]he vast majority’ were allocations of standard social housing.

There were notable failures to draw down allocated funds in respect of three projects at Cap Crescent Halting Site, Cap Clonlong Halting Site Southill and Toppins Field Halting Site Southill. The Council states that these sites have a high-density population in terms of ratio to units sizing. It states that Council staff engaged with residents in each of the sites to establish a level of consultation in terms of needs and expectations of the residents. It reports that expectations varied in each site from requests for one-off homes with land to building houses on the current site to being housed in general housing.

The Council states that significant progress was made with residents, which allowed the Council to bring draft proposals to the DHPLG in terms of developing the built environment of the site in various cost ranges. It states that each of these projects received a draft budget allocation, which became the project cost and was subject to change depending on the project (including if the project progressed or not).

It is reported that none of the allocated sum of €3,198,505.72 was drawn down in respect of the Cap Crescent Halting Site project. The Council states that it had agreement to begin a programme of building homes to replace mobile homes with utility units. It states that engagement with the families living on the site was very positive to begin, however this changed following Department approval. The Council states that there were a variety of change requests, some to remain in current mobile homes, some to relocate to private housing in a rural setting, while others wished for housing on this site. The Council states that some residents stopped vital small improvement works on the site. It states that, as a result of this, the project stalled. It states that other works proposed on the site including general maintenance also became disrupted.

The Council states that it sought the support of CENA to engage the residents on the site in an effort to resolve any impasse. It reports that CENA spent a number of months working with residents establishing trust and engaging the accommodation situation, but the Council states that they failed to gain agreement between all residents.

The CENA report dated 5 November 2019 was submitted with the review. In this, CENA reports that five families voiced a preference for accommodation outside the Crescent

site and nine families expressed a preference and a commitment to remaining on the site should redevelopment take place and adequate accommodation be provided. Accommodation options were discussed with both sets of families and CENA concludes that they are:

“confident that the configuration of households that would remain on a redeveloped site (nine) does offer positive potential in building a sustainable community here”.

CENA sets out recommendations on how this may be achieved.

While it is reported that €291,748 was allocated for the Cap Clonlong Halting Site Southill project, only €48,050 was reported as drawn down. The Council states that this project had commenced with the initial building of two units, which were expected to be the catalyst for further units on a phased basis. It states that the project was aimed at improving the overall quality of life for residents on the site, with the hope of removing the need for mobile home usage into the future.

It is reported that none of the €453,460 sum allocated for the project at Toppins Field Halting Site Southill was drawn down. The Council states that the project was commenced in terms of reducing the footprint of the site. It states that there now remain three families on the site. It states that further works have focused on site upgrading and the blocking of bays for safety. A news report provided by the Council with its review sets out the very poor living conditions apparent on this halting site.

The Council suggests that a possible measure that could be adopted to avoid late changes of mind in projects, as occurred with the Cap Crescent Halting Site project, would be an agreed expectation agreement, which could be approved and monitored by a group such as CENA or the Irish Traveller Movement.

E. Any further issues of equality of opportunity

The Council believes that the following changes would help to speed up the process for capital projects and for maintaining existing stock:

- Funding to be provided for extra staff (a Senior Executive Engineer would be able to oversee all capital projects and also deal with the current issues in existing stock with regard to Traveller accommodation). If an engineering position was funded by the DHPLG the sole focus of the engineer would be for Traveller accommodation and the engineer would be part of the Traveller Unit;
- Funding to be provided for extra staff (an Estate Management Officer, who would be able to oversee all issues with regard to estate management for Traveller accommodation). If this position was funded by the DHPLG the sole focus of the Estate Management Officer would be to work with families residing in Traveller accommodation. The officer would be able to build a relationship with families and help to provide a healthy and safer environment for tenants. The Estate Management Officer would be part of the Traveller Unit;
- The Council encourages AHB to work with the Council and Traveller families who wish to move from Traveller-specific accommodation into generic housing in private estates. Currently one AHB works with the Council to support Traveller families in a wraparound service when they transfer to housing. Another AHB has begun to work with Traveller families who have transferred into generic accommodation. This has been very successful to date and this model should be improved and expanded as needs increase;
- Funding from the DHPLG should be increased with regard to maintenance in Traveller-specific accommodation; the current figure has not increased for many years;
- Funding for capital projects should be streamlined. Small projects should be approved quicker than larger projects in order to fast track work;
- Funding should be provided for an accommodation worker to work specifically with Homeless Traveller families and private landlords to help to break down barriers;

- LTACC should provide more supports to encourage Travellers to become members of the LTACC;
- Inter-agency approach to work in conjunction with Traveller families;
- Top down approach required to meet targets; and
- Continue to learn and improve standards and improve equality within the Local Authority.

Section 2 Issues arising

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

The Equality Review process

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

Capturing need and identifying true preferences

From the information provided, the Council does not appear to have a robust system for capturing and recording the accommodation needs of members of the Traveller community. In its TAP 2019-2024, it states that a general social housing need assessment as prescribed by s. 9 of the 1998 Act was carried out in March 2018, an additional assessment of need including an assessment of need for sites as per s. 6 of the 1998 Act was carried out in August 2018 and a summary of social needs assessment was completed in May 2019.

The TAP proceeds to clarify that families could only be included in the assessment of need, and therefore be considered for accommodation, if the appropriate application forms were completed and submitted to the local authority. It is emphasised in the TAP that the onus to complete and submit the appropriate forms is on the applicants themselves.

It is not clear how the three assessments as set out above were carried out. How were the preferences of Travellers obtained? Were these assessments a paper-based exercise based solely on social housing application forms? If so, how was it ensured that all members of the Traveller community were aware of the requirement that they submit such a form in order to have their need counted?

The current TAP indicates that 59% of Traveller families in the administrative area, are residing in standard local authority housing. The current TAP notes that:

“[t]he majority of Traveller families throughout Limerick reside in housing. There has been a strong tradition of Halting Site (Residential Caravan Sites) provision within the Limerick Metropolitan District but during the period of the most recent programme seventeen families transferred from Halting Site accommodation to generic housing. The majority of families who continue to reside in Halting Sites have expressed a preference for housing particularly Group Housing”.

This may well be the case, but it is of utmost importance that the Council adopts robust data collection methods to ground these findings. It is not clear how the Council collected this majority preference. There is a risk here of false preferences being recorded, which can be exacerbated in determining projected future need on the simple basis of ‘an increase of 7% per annum’ on present recorded need (page 12 of the current TAP).

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. Furthermore, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason feel they have no choice but to apply for social housing. Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies. This is all the more the case given that the Equality Review notes that:

“issues that arise in Traveller-specific accommodation tend to be e.g. overcrowding, poor accommodation and estate management issues”.

Nothing further is noted in regard to responses to these issues and whether they impact on Traveller families’ accommodation preferences. There is further no reference made to Traveller participation in estate management processes.

The current TAP provides a breakdown of the numbers of Traveller families living in local authority housing, group housing, private rented (HAP/RAS funded), and on halting sites. There is no data provided in regard to the number of homeless Travellers and those living in unauthorised (unserviced) sites/on the side of the road.

There is a lack of clarity, both in the Council's TAPs and in the Equality Review, in regard to the numbers, according to accommodation type, of Traveller families to be accommodated, or that have been provided accommodation. The issue of Traveller preferences is not adequately transparent, nor does it appear to have been tracked over time or independently verified.

TAP 2019-2024

The current TAP identifies a target of 105 Traveller families to be accommodated over the period. It is unclear how this target figure is arrived at, however, as the narrative of this TAP indicates a figure of approximately 299 families that will require accommodation over the course of this programme.⁴ This raises concerns as to the adequacy of planned provision.

There is no detail provided in regard to the type of accommodation provision identified for the target of 105 families and the issue of preferences is not addressed. This raises concerns as to the engagement of the Council with the ethnic identity and culture of the Traveller community and the specific needs that flow from this, with a potential issue of failure in the recognition of difference.

TAP 2014-2018

In the Equality Review the Council notes that, for the period of their TAP 2014-2018, it exceeded its targets in accommodating more than the 90 target families set for the programme period, noting that '94 families accepted offers of accommodation'. The

⁴ The Council TAP 2019-2024 notes:

"In May 2019 a Summary of Social Housing Needs Assessment was completed and the number of approved Traveller family applicants seeking assistance with accommodation from Limerick City and County Council was 159 families [and] an additional 80 families residing in Traveller-specific local authority accommodation are also seeking support with regard to their accommodation needs" (page 11)

and estimates an additional 60 families will probably require accommodation over the course of the current TAP (page 13).

Council has advised that '[t]he vast majority' of these offers were allocations for standard social housing, however, no figures are provided as to the breakdown by type of accommodation provided to these 94 families. In addition, the Council TAP 2019-2024 notes that for the period of their 2014-2018 TAP there were 23 refusals of accommodation. This figure is a cause for concern, it is not noted in the Equality Review of the Council, and no analysis is provided in relation to the refusals and whether issues of preference were involved.

Treatment of preferences

The current Council TAP 2019-2024 frames the Council's policy approach to the provision of Traveller accommodation in what appear to be restrictive terms. It is of concern that the Council state that it is its policy that, where feasible, the preferred option in terms of accommodation requested will be considered and, if this is not possible, other accommodation options will be considered and offered to the housing applicant. It further states that:

"[i]f this is refused by individual families, without good reason, their application for accommodation may be given a reduced priority in line with statutory provisions."

The purpose of a TAP and the Traveller-specific funding offered by the DHPLG is to ensure, to the greatest extent possible, a proactive approach to the accommodation needs of Travellers. If it is ultimately not possible to offer the first accommodation preference, Travellers should be facilitated in remaining on a list for their first preference while being offered alternative temporary accommodation.

LTACC

The Council notes the use of 'clear language' on the LTACC and supporting Traveller representatives with literacy issues, in advance of meetings, to go through the procedures and agenda, as well as the importance of providing a 'safe space' for LTACC members to contribute. The Council states that it intended to further support the LTACC in providing a workshop for all new members to assist them in becoming familiar with the Council's procedures and organising field trips to enable new members to view first-hand the capital works which were taking place throughout the county. There is no

qualitative information provided, however, from the LTACC Traveller representatives, in regard to how such a '*safe space*' is provided or to the particular supports they might need to make an impact on the LTACC. There is no information provided regarding the process by which Traveller representatives are appointed onto the LTACC or the provision of support to enable their informed and empowered participation or the process for them to have accountability back to the wider local Traveller community.

Supports

The Council notes, in the additional information provided by the Council, that 'members of the Traveller Community in Limerick can and consistently do avail of accommodation services on an equal and non-discriminatory basis', citing the creation of a specific Traveller Unit 'to support and deliver on Targets' as key in this regard. The Social Worker post and the Traveller Unit of the Council are noted as comprising the core supports regarding the accommodation needs of the local Traveller community. The Council states that the Traveller Unit comprises a multidisciplinary team of social care professionals and clerical staff and aims to improve relations between the Traveller community and the non-Traveller community. The Council reports that the unit works closely with the Maintenance department who provide a daily service to Traveller-specific accommodation in the Metropolitan area - this service is provided by a contractor who is on call 24/7 all year around. The Council states that the Traveller Unit has two specific phone numbers for maintenance and welfare issues, has a bi-monthly housing clinic in City Hall, for which no appointment is required, and also operates a Traveller referral system to other services and agencies.

There is no detail provided by the Council, however, regarding the types of outcomes for Travellers engaging with these supports, Traveller experience of these supports, and, in particular, in regard to 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.

Draw down, expenditure and delays

The ratio between the total sum drawn down for Traveller-specific accommodation as against that for general housing from 2015 to 2018 was 2,740,268 : 193,005,605 or 1 :

70. The annual census taken in November each year, showed that there are 850 families residing in County Limerick in 2018. However, in the absence of a figure for the total population of Limerick functional area, no meaningful comparison can be drawn from this.

For capital expenditure on Traveller-specific accommodation, there was a significant underspend from 2015-2018 in respect of a number of different projects, but an overspend to date in 2019. For general housing, there was a slight overspend in the period from 2015 to 2018. There was a considerable drawdown for current expenditure on Traveller-specific accommodation and a significant expenditure of additional local authority funding for this purpose. It is noted that the Council recommends that the funding from the DHPLG should be increased with regard to maintenance in Traveller-specific accommodation, as it states that the current figure has not increased for many years.

While the Council states that it exceeded the Traveller accommodation targets it had set in its TAP 2014-2018, nevertheless it reports ongoing issues of overcrowding, poor accommodation and estate management on halting sites. This is against a backdrop of a failure to draw down funds allocated by the DHPLG for capital expenditure on Traveller-specific accommodation from 2015 to 2018. It is acknowledged that most projects were in fact completed, albeit not within a year and some projects were funded by local authority internal capital receipts. The failure to draw down funds in respect of a number of significant projects is, however, of concern.

First, while funds were allocated for Kilmurry TA Bays Refurb 2/5/7 in 2017, the project was not completed until 2019. The Council states that this delay was as a result of agreement delay coupled with internal resource issues which, the Council states, was normal on all public housing projects. While some delays may be inevitable, having regard to the level of accommodation need, a delay of two years should not be considered as normal.

Secondly, in the case of the Crescent Halting Site on Childers Road, the Council reports the issue of changing preferences among residents as the source of delay. The Council notes that while:

“engagement with the families living on the site was very positive to begin, this changed following Department Approval. There was a variety of change requests, some to remain in current mobile homes, some to relocate to private housing in a rural setting while others wished for housing on this site”.

There is no information provided in regard to the reasons for residents changing their preferences.

A report by CENA⁵, on the outcome of their consultation with the residents, notes that while 5 families expressed a preference to be accommodated elsewhere, 9 families wished to remain on the site, on the basis of the proposed rebuild. It is unclear, therefore, why the work had not been progressed since 2017. The Council notes that CENA ‘failed to gain agreement between all residents’. It is unclear, however, why there needed to be agreement between all residents for work to commence on the basis of the preferences of the significant majority of residents, with the other residents’ needs met elsewhere.

The report of CENA dated 5 November 2019 sets out details of positive and constructive consultation with two sets of families, one of which would like accommodation outside the site and the other set of nine families committing to remaining on the site should redevelopment take place and adequate accommodation be provided. The report sets out useful recommendations on how satisfying the accommodation needs both sets of families may be achieved.

The Council suggests a possible measure that could be adopted to avoid late changes of mind in projects: it proposes an ‘agreed expectation agreement’, which could be approved and monitored by a group such as CENA or the Irish Traveller Movement.

Thirdly, the reason for the fractional drawdown of funds for the Cap Clonlong Halting Site Southill project was not clear. It is stated that this project had commenced and was aimed at improving the overall quality of life for residents on the site - however, it was not clear why the project was delayed or discontinued. It was also not clear what the

⁵ Engaged by the Council and commissioned to undertake a consultation with the Crescent site residents. Their report was produced in November 2019.

Council meant by its statement that it hoped, through this project to '[remove] the need for mobile home usage into the future' on this site. Whether halting site accommodation is required must solely be determined by the true preferences of Travellers themselves.

Fourthly, while the Council stated that the project at Toppins Field Halting Site Southill had been commenced, it was not clear why none of the allocated funds were drawn down. If the only reason why the project was not progressing was the three remaining families on the site, it was not clear what the concerns or preferences of these families were, or what steps the Council had taken to address these. Of particular concern was the news report provided by the Council, which detailed the very poor living conditions apparent on this halting site.

Further, in its initial Equality Review documentation the Council provided an incomplete picture in regard to the reasons behind their lack of funding drawdown on several projects. Following a request to the Council, by the Commission, for further information, the additional data provided by the Council failed to adequately address this information gap. Some specific anomalies identified in regard to the drawdown of funding by the Council are as follows.

- **Kilmurray halting site:** refurbishment to bays 2/5/7: funding data provided indicate no drawdown on the 2017 or 2019 allocations for this project, yet the Council states that this work was completed in 2019. In their initial data, however, the Council states that this work is 'to be completed end of 2020'.
- **Longpavement halting site (12 units):** €150,400 allocated in 2018 (no drawdown). In their additional data the Council notes that this work was completed in 2018, (but monies only recouped in 2019). However, in their initial review the Council notes for this project: 'refurbishment in progress'.
- **Clonlong halting site, Southill:** €108,000 allocated in 2017 and €291,747 allocated in 2018 (€48,050 drawn down in 2018). The Council note that this project has commenced 'with the initial building of two units'. It is further noted, '[t]his project is aimed at improving the overall quality of life for

residents on the site with the hope to remove the need for mobile home usage into the future'. There is no information provided by the Council to explain the latter comment.

- [Moig Asketon N13/70/72](#): €62,880 allocated in 2018 (no drawdown). In their additional data the Council notes that this work was completed in 2018, however, in their initial review the Council notes for this project that: 'refurbishment to commence Oct 2020'.

Traveller culture and ethnicity

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

The current TAP notes that '[a]n assessed need has not been established for transient site provision' in the administrative area and, outside of Rathkeale no such provision is made. Given the centrality of movement to Traveller culture and identity, the basis for this statement would need to be justified. Concern on this issue is further exacerbated by the manner in which Traveller applicants from roadside or unofficial sites are required to provide evidence that they have pursued other accommodation options if their application is to be considered. 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.

In the Equality Review, the Council notes that its:

"[TAP] is prepared having regard to differences between the Traveller and non-Traveller communities and the differences in needs and accommodation preferences within the Travelling community itself".

No information is provided, however, in regard to how these differences are assessed or addressed. This raises concerns as to the understanding of difference and of the practical implications of Traveller ethnicity and how these are best addressed.

Public Sector Equality and Human Rights Duty

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

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; providing a breakdown, by accommodation type, for accommodation targets and outputs; and providing data on the numbers of Travellers presenting as homeless 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;
- identifying and responding to the practical implications of the recognition of Traveller ethnicity, for the provision of standard housing including in relation to supporting and sustaining integrated communities;
- identifying and developing culturally specific responses to the needs of Travellers experiencing homelessness;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
- reviewing the provisions of accommodation to Travellers, including those on roadside or unofficial sites, 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;
 - identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for local Traveller organisations to emerge and play a role;
 - identifying and responding to specific needs of Travellers that flow from their distinct culture and identity, particularly in relation to horse ownership; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
3. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past).

4. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. This officer could also make efforts to engage with members of the Traveller community on any other issues arising. They could also assist with online applications where members of the Traveller community have no access to the internet. 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.
5. Engage the services of an appropriate independent body, to draft a report on the reasons why the four projects specifically mentioned above were delayed or discontinued and possible steps that could be taken to ensure that these projects are progressed in early course. Any such steps taken by the Council should be published.
6. Follow the recommendations of CENA in its report of 5 November 2019 in respect of providing for the accommodation needs of the current residents of the Crescent Halting Site.
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.

9. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

- (a) The practices, procedures and other relevant factors in respect of the provision of accommodation services to members of the Traveller community within the Council's functional area;
- (b) The amount of funds allocated by the Department of Housing, Planning and Local Government that the Council requested to 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.



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an Duine agus Comhionannas
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