

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



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



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



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

Contents

Glossary.....	2
Introduction.....	4
Section 1 Key issues of interest.....	6
Section 2 Key issues arising	16
Section 3 Recommendations.....	24
Appendix 1	27

Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

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

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

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

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

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

CBL: Choice Based Lettings

CDP: Community Development Project

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

CLO: Community Liaison Officer

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

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

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

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

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

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

SEO: Senior Executive Officer

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

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

SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

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

In June 2019 the Commission invited Longford 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 issues of interest

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

The Council states that Travellers and Traveller representative groups had a very significant input into the drafting and finalisation of the 2014-2018 TAP. It was adopted on the recommendation of the LTACC. The membership of the LTACC, according to the Council, includes representatives of the local Traveller community because it is felt that this is the best way of ensuring that the needs of Travellers in general and particularly the needs of Travellers who live in County Longford, or who have a strong connection with the county, are catered for. The Council notes that the members of the LTACC were centrally involved in the formulation of the plan. It states that the views and opinions of the Traveller representatives on the committee were taken into account when the targets to be included in the plan were being agreed. The only target included in the plan for the provision of Traveller-specific accommodation was in relation to the upgrading work at Willow Park halting site. No other targets for the provision of Traveller-specific accommodation were included in the plan because there was no evidence that there was any demand for that type of accommodation according to the Council.

In determining the meaning of 'Traveller-specific accommodation' the Council states:

"The Council has taken it that the Irish Traveller Movement is best placed to determine what Traveller-specific accommodation is ... The Irish Traveller Movement's website mentions 'culturally appropriate' or 'Traveller-specific' accommodation and indicates that those terms refer to halting sites and group housing schemes where large extended families can live together based on their shared Traveller identity."

In respect of permanent halting site accommodation, the Willow Park permanent halting site is located in Longford town. The Council reports that two Traveller families live there. When this site was originally developed there was a large number of bays in it. Over a period of years many of the buildings on the site fell into disrepair and the Council states that, by late 2012, many of the families that had lived there had moved

out and, for a variety of reasons, other families refused to move to it. The Council states that families most commonly cited relations with members of other Traveller families as reason for not moving to the site. Based on experience and the views that were expressed by local Travellers in the course of the consultation process that was undertaken when the TAP was being drafted, according to the Council, it was agreed that the size of the site and the number of bays provided should be scaled back. It was also agreed that the facilities at the remaining bays should be refurbished and brought up to the required standards.

In respect of group housing, as part of the consultation process that was undertaken in advance of the drafting of the 2014-2018 TAP, the Council states that Travellers were asked about the need to provide this form of accommodation. The Council further provides that Travellers expressed the view that they did not wish to have group housing provided and for that reason no target for the provision of accommodation of this type was included in the plan.

The Council reports that Travellers were also asked about the need to provide transient accommodation when the consultation process was undertaken. The Council states that Travellers expressed the view that they did not wish to have transient accommodation provided. The reasons cited by local Travellers in this regard mainly related to the fact that at the time no Travellers were living on the roadside in County Longford. According to the Council, many Travellers also expressed the view that most transient Travellers tended to only stay in Longford for short periods while they were travelling to or from cultural events with which Travellers had strong links. The Council also comments that many Travellers also expressed the view that, in general, transient Travellers who might be staying in County Longford for short durations would prefer to stay with members of their extended families living in the area.

In respect of social housing, the Council states that applications for social housing support are submitted to its Housing Department. Applicants, according to the Council, are provided with assistance and advice if they request it when they are in the process of submitting applications. The application form that is currently used by the Council is based on a common national template that was circulated to all local

authorities. This application form was introduced in order to ensure that the information that social housing applicants were asked to provide was consistent across each of the local authorities. Previously the application forms used by individual local authorities differed quite significantly and the data which applicants were required to submit with their applications varied considerably. The Council states that the current application form affords applicants the opportunity to indicate the type of social housing support that they are seeking. 'Traveller Halting Bay Site' and 'Traveller Group Housing' are two of the categories of accommodation that are included in Part 13 of the application form.

The Council states that applicants for social housing support are not required to indicate whether they consider themselves to be Travellers. Neither are applicants asked if they wish to be officially designated as being Travellers. As a result, the Council found that it is difficult to accurately track and quantify the level of assistance that is afforded to Travellers. The assumption, according to the Council is that it could be interpreted as being discriminatory to include an ethnicity identifier. If it was agreed nationally that the template application form should be amended in this regard the Council states that it would adopt the nationally agreed template.

The Council provides that all applicants for social housing meet with Council employees. Quite regularly, when applicants are discussing their applications, they reveal details which they might not necessarily include on their applications. The Council states that in many instances applicants verbally declare themselves to be Travellers.

The Council outlines that, prior to the allocation of a tenancy of any Council property, many factors are considered. Individual circumstances apply in respect of all applications. The Council notes that these can relate to the size and type of the property, the number of bedrooms in the property, the facilities that are available in the property and the location of the property. The Council asserts that the circumstances of the applicants are also considered and, to the greatest extent possible, efforts are made to appropriately match applicants to the available properties.

The Council states that the circumstances of qualified applicants for social housing support vary greatly and that matching the needs of applicants with the available properties is very challenging. The Council explains that applicants often express an interest in being allocated the tenancy of particular properties because other family members live in the locality. From time to time when a proposal to offer a tenancy is under consideration, some applicants will indicate that they would not be willing to accept the offer for various reasons. The Council says that a common reason that is put forward for not accepting an offer of a tenancy is that the applicant does not get on with a particular family that is living close by. The Council respects the right of applicants to refuse an offer of a tenancy and, where possible, the views of applicants are taken into account before offers of tenancies are made. The Council notes that offers of tenancy are normally only made after discussions have taken place with the proposed tenant. It reports that the knock-on impact can often be that it is very difficult to meet the needs of individual applicants. The Council states that some applicants on the housing list have refused multiple offers of tenancies and argue that they are being discriminated against when the Council does not allocate them the tenancy of the specific property that they have expressed an interest in.

The Council reports that many approved applicants for social housing support visit or contact the Housing Department quite regularly. They do so for a variety of reasons, but typically the Council notes that they do so for one of the following reasons: to submit updated information relating to their application; and/or to enquire if they are being considered for the allocation of a particular tenancy.

The Council acknowledges that some applicants informally indicate that they are Travellers when they are discussing their applications. In general, the applicants who do so are people who have lived in County Longford for all or most of their lives. The Council states that they tend to be members of families that have lived in standard housing and they also tend to express a preference to be allocated the tenancy of standard houses that are located reasonably close to their family home which may become available for re-allocation.

The Council advises that there are only 23 applicants on its approved housing list who have indicated that they wish to be considered to be Travellers. The Council reports that none of those applicants has indicated that they wish to be considered for Traveller-specific accommodation.

B. Comparison of funding to comparator group

From 2015 to 2018, the Council states that the only sum allocated by the DHPLG for Traveller-specific accommodation was €116,888.00 in 2016 and the Council reports that all of these funds were drawn down by the Council that year.

In respect of 2019, the Council notes that no funding for Traveller-specific accommodation was applied for in that year. The Council explains that as there were no projects of this kind in progress, no funding could be applied for.

The Council does add that the 2019 – 2024 TAP includes a proposal to develop a Group Housing Project in County Longford. The Council has been seeking to advance this proposal since the plan was adopted but to date no suitable site has been identified. The Council explains that funding for any proposed project can only be applied for when a suitable site has been identified, so to date no funding application has been submitted.

The Council states that Traveller accommodation specific funding was not accessed in respect of the costs that were incurred by the Council in acquiring and refurbishing standard houses which were allocated to Traveller families. That this type of funding was not accessed did not, according to the Council, in any way restrict it from meeting the accommodation needs of Travellers. It states that the fact that this funding was not accessed has, however, meant that its overall performance in relation to the provision of Traveller accommodation, if evaluated only on the basis of the amount of Traveller-specific accommodation funding that was drawn down, would not be fairly or accurately reflected. The Council will give consideration to amending its procedures so that the true numbers can be included for future years.

The Council reports that, in some instances, it purchases second-hand properties for various reasons, so as to meet the accommodation needs of families that are on its

housing waiting list. The funding for such purchases is applied for in advance of the purchase being completed. The practice many years ago was to apply for Traveller-specific funding where a property was being purchased to meet the accommodation needs of a Traveller family. According to the Council this practice fell by the wayside for no apparent reason and, in recent years, all funding for second-hand properties has been drawn down from the general allocation, even when properties were being purchased to specifically meet the needs of a Traveller family. The Council states that the result again is that the true level of spending in respect of Traveller accommodation has been understated. The Council intends to request the DHPLG to accommodate the drawdown of Traveller-specific accommodation funding in respect of both new and second-hand properties. If that is possible, according to the Council, it will make it easier for it to extract the relevant statistics in future years.

The Council provided details on spending for standard housing from 2014 to 2019. It states that no houses were constructed and subsequently allocated to Travellers. A number of properties were acquired and subsequently allocated to Travellers. The Council states that none of the funding for these properties was drawn down from the Traveller-specific accommodation allocation as it was felt that standard houses could not be deemed to fit the criteria. Nine standard houses were acquired by the Council and subsequently allocated to Travellers. The Council states that the cost of acquiring those houses was approximately €788,349. In addition to the acquisition costs, the Council reports that some of these houses were subsequently renovated in order to meet the individual needs of the families to whom they were allocated. The Council did not include the renovation costs. The Council's total capital expenditure for standard housing for Travellers from 2014 to 2018 came to €788,349.

The Council states that in respect of the total capital expenditure on standard housing from 2016 to 2019, the total budget received for standard houses came to €31,257,614 and the total funding received for POAs came to €9,674,719: a combined total of €40,932,333. The total expenditure in respect of standard accommodation for members of the settled community was as such €40,143,984.

The total capital expenditure to address the accommodation needs of Travellers (both Traveller-specific accommodation and standard housing) came to €905,237. An estimate of the ratio of funding for members of the settled community as against members of the Traveller community is 40,143,984 : 905,237, or 44 : 1. However, the Council states that this is subject to the difficulties identified by the Council in determining precisely how many members of the Traveller community are being served through standard housing options. Furthermore, in the absence of figures for the settled population of the Council's functional area as against the Traveller population, no meaningful comparison may be drawn.

C. Adequacy of funding

In the TAP 2014-2018 the overall target was to address the accommodation needs of 166 households. The second table on p. 2 of the review reveals that the actual output from 2014 to 2018 (an additional year) was 105.

The Council however states that the targets included in the 2014-2018 TAP in relation to the provision of Traveller-specific accommodation have been achieved. From the first table on p. 2, it seems that there was no anticipated need for group housing or transient halting sites and a need for 2 halting site bays in 2014. From the second table, it seems that no group housing or transient or permanent halting site accommodation was provided over the course of the five years from 2014 to 2018. Elsewhere in the review it is clarified, however, that the refurbishment works to the Willow Park halting site were completed in 2016 and funded from the capital funding allocation for Traveller-specific accommodation.

The Council states that the TAP 2014-2018 also included targets for the provision of standard housing to meet the needs of Travellers and, according to it, these targets have to a great extent also been achieved. Over this period, the Council states that the housing needs of many Traveller families were met by means of providing standard local authority houses. The Council reports that a number of houses were purchased to meet the needs of individual Traveller families where the specific needs of individuals or families could not be met by the allocation of houses that were part of the Council's existing housing stock. In addition to this, the Council advises, Traveller families were

allocated the tenancies of new houses that were acquired, refurbished void houses and houses that were being re-allocated following the carrying out of pre-letting repairs.

Over the 2015 - 2018 period, the Council reports that it allocated a total of 355 tenancies of standard houses. It explains that, based on the information that applicants have volunteered in the course of their conversations with Council employees, some applicants who have been allocated tenancies are being taken to be Travellers:

- In 2015 a total of 81 tenancies were allocated. Of these 13 are considered to have been allocations that were made to Travellers;
- In 2016 a total of 78 tenancies were allocated. Of these 11 are considered to have been allocations that were made to Travellers;
- In 2017 a total of 60 tenancies were allocated. Of these 7 are considered to have been allocations that were made to Travellers; and
- In 2018 a total of 106 tenancies were allocated. Of these 13 are considered to have been allocations that were made to Travellers.

D. Whether all funding allocated drawn down

The Council states that the Willow Park permanent halting site was refurbished and scaled back in size with the approval of local Travellers and in consultation with the two families that were living there. The two bays at this site were completely refurbished and the quality of the facilities was improved to ensure that the facilities complied with the applicable standards. The Council further states that refurbishment works were completed in 2016 at a cost of €116,888.00. The cost of doing the work that was carried out was funded from the capital funding allocation provided by the DHPLG for the provision of Traveller-specific accommodation.

The Council states that the only opportunity to draw down funding for a Traveller-specific accommodation project that had arisen related to the Willow Park halting site project and the funding had been drawn down in that instance.

The Council notes that the only shortcoming that was identified by the Council in respect of its drawdown procedures concerning Traveller-specific accommodation related to a delay in claiming the funding and it did not in any way impact on the carrying out or completion of the improvements to the Willow Park halting site. This shortcoming was procedural in nature and steps have already been taken to ensure that in future all funding claims are submitted in a timely manner.

The Council states that this review has revealed that there is no specific provision to track the level of spending that is incurred in respect of the provision of standard housing to meet the needs of Travellers. It advises that this shortcoming in the procedures has not resulted in any fewer tenancies being allocated to Travellers, but it does mean that it is difficult to demonstrate what level of funding is being spent on meeting the accommodation needs of Travellers generally.

E. Any further issues of equality of opportunity

The Council makes the following recommendations:

- Clear guidance should be provided with regard to whether Traveller-specific funding can be accessed where Travellers are provided with standard houses in order to meet their housing needs;
- Clear guidance should be provided by the DHPLG with regard to whether Traveller-specific funding can be accessed in order to recoup the costs involved in refurbishing void properties that are subsequently allocated to Travellers;
- Clear guidance should be provided with regard to whether Traveller-specific funding can be accessed in order to recoup the costs involved in carrying out major pre-letting repairs to properties that are subsequently allocated to Travellers; and
- The IHREC should investigate how the issues relating to the classification of applicants for social housing supports as Travellers can be addressed without giving rise to discrimination. These issues currently make it very

difficult to determine what the actual level of investment in meeting the accommodation needs of Travellers is.

Section 2 Key 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:

Participation of LTACC in 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.

The current TAP indicates that there are five Traveller representatives on the Council's LTACC. The Equality Review offers no information on the LTACC, such as: the process by which Traveller representatives are appointed; the process for these representatives to have accountability back to the wider local Traveller community; or the supports provided to enable an effective participation of Traveller representatives.

True Preferences

The Council does not appear to have a robust system in place for capturing and recording the true accommodation preferences of members of the Traveller community. While the LTACC seems to be active and its opinions valued in drafting the previous and current TAPs, it does not seem that there is any systematic procedure in place to seek accommodation preferences directly from Travellers. An exception here is the direct consultations that took place with residents of the Willow Park permanent halting site, which seemed to be a successful enterprise.

The Council's Equality Review and current TAP advise that Travellers in the administrative area express a preference for standard housing. This shift towards a preference for standard housing is not examined in any detail in the Equality Review.

In regard to transient accommodation provision, the Council advises that Travellers were consulted and did not wish to have transient bays provided. The main issues cited were that there were no Travellers living on the roadside in the county and that Co. Longford was identified as less of a destination for transient travel and more a point for Travellers passing through on their way to other destinations.

The issue of preferences is not adequately explored or addressed in the Equality Review. 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.

Information gaps

There were two indications of possible capture gaps within the information provided by the Council in its review. First, the Council stated that families commonly cited relations with other Traveller families as the reason they would not move to the Willow Park permanent halting site. This would suggest a need for alternative halting site accommodation and yet no such development plans were included in the previous or current TAPs. Furthermore, the Equality Review also notes that the halting site 'fell into disrepair' in 2012 and the 'facilities at it did not meet the required standard' and many families moved out. The Equality Review further notes that Traveller families indicated there was no longer a need for a large halting site and that 'for cultural reasons the site did not meet their needs'. This issue is something that would have merited examination in the Equality Review, particularly in relation to the influence of the issues on the halting site on subsequent preferences.

Second, while Travellers were asked about the need for group housing in advance of the TAP 2014-2018 being drafted, it was not clear whether this was simply the Traveller members of the LTACC or other members of the Traveller community. The Council stated that the Travellers who were consulted expressed the view that they did not wish to have group housing provided and for that reason no target for the provision of accommodation of this type was included in the TAP 2014-2018. However, the Council then stated that in its 2019 - 2024 TAP, there is a proposal to develop 4 group housing units over the course of the current TAP. The Council has been seeking to advance this proposal since the plan was adopted but to date no suitable site has been identified. It is not clear whether this change in plan was due to changes in Traveller accommodation preferences, the preferences of younger members of the Traveller community (who had not reached 18 by the drafting of the 2014-2018 TAP) or a failure to capture this need on drafting the 2014-2018 TAP.

Difficulty with assessing data

The Council notes that it is difficult to evaluate its success rate in providing for the varying accommodation needs of members of the Traveller community given the absence of an ethnicity identifier on the national standard social housing application form. Furthermore, the Equality Review identifies the difficulty in determining how many of its social housing applicants are Travellers, due also to the absence of an ethnic identifier on the national standard social housing application form.

The Council have observed that the lack of ethnic identifier creates problems in collecting data. It is important to recall that while it would be optimal for the DHPLG to take a top down approach and include such an identifier in this standard application form, all local authorities have a legal obligation in their own right arising from s. 6(6)(a) of the Equal Status Act 2000 to collect sufficient data to enable the local authority to determine whether Travellers suffer from a disadvantage such as to warrant the measure of positive discrimination of applying for and drawing down dedicated funding for Traveller-specific accommodation. In other words, can robust data collection methods demonstrate that many Travellers have a true preference for standard social housing? If so, and in their case, there is no disadvantage and they may be treated in a similar way to non-Traveller members seeking standard social housing.

The Council erroneously asserts that it is possibly discriminatory to include the abovementioned identifier on the national standard social housing application form. In its Equality Review, the Council states that some Travellers indicate their ethnic identity in the course of their contact with the Council's Housing Department, but that this information is not recorded as 'it could be viewed as discriminatory to do so'.

While the Equality Review correctly identifies that for some Travellers there can be sensitivities in regard to disclosing their ethnic identity, it is also the case, however, that where staff are trained to communicate to applicants why equality data is collected, what this information is used for, and to reassure in regard to data protection, such barriers can largely be overcome.

In the absence of accurate data on the number of Traveller households seeking social housing support and their needs in this regard, it is difficult for local authorities develop

evidence-based responses to the accommodation needs of Travellers. It is of concern, for example, that the Council identifies that they do not know how many of their tenancies for standard housing over the 2014-2018 TAP were provided to Traveller households.

The Council's TAP 2019-2024 does not contain data or information on the total number of Travellers currently being supported through the Council's social housing supports and the type of accommodation they are residing in. There is also no data or information on the number of Travellers in the administrative area who are accessing emergency homeless provision.

Drawdown of funding

The Equality Review of the Council indicates that the accommodation needs of Travellers were largely met through the provision of standard local authority housing (principally acquisitions). It is noted by the Commission that all the funding allocated for the Willow Park permanent halting site in 2016 was drawn down. In addition to this, based on verbal declarations of membership of the Traveller community, the Council believed that €788,349 of the total capital expenditure on standard social housing served to address the needs of those Travellers. Furthermore, apart from a requested allocation of €116,888, to refurbish its two existing bays at the Willow Park halting site, the Council did not avail of funds under the TAP budget, between 2015 and 2018. The allocation for Willow Park was requested and drawn down in 2016.

An estimate of the ratio of funding for members of the settled community as against members of the Traveller community was 44 : 1. However, this was subject to the difficulties identified by the Council in determining precisely how many members of the Traveller community are being served through standard housing options. The Equality Review states that there are no indicators in current data systems to track the level of expenditure incurred to meet the accommodation needs of Travellers through standard housing.

Furthermore, in the absence of figures for the settled population of the Council's functional area as against the Traveller population, no meaningful comparison may be drawn.

Subject to the above difficulties in capturing the true accommodation preferences of members of the Traveller community, it is noted that the Council confirmed in the current TAP that works were carried out to Willow Park Halting site in 2014/2015 which consisted of upgrading the two bays and carrying out some demolition works. In addition to this, between 2015 and 2018, the Council reports that it allocated 44 tenancies to Travellers.

Targets

The current TAP indicates that a total of 108 units of accommodation will be provided over the lifetime of the Programme: 60 standard housing units; 24 units through HAP; 10 units through RAS; 10 units through voluntary housing bodies; and 4 group housing units. Of these 108 targets, 23 are identified as current need and the remainder projected need.

The current TAP also indicates that 34 units of the 108 targets will be met through HAP/RAS provision. Outputs for the 2014-2018 TAP reveal that, while 124 units of the targeted output would be sourced through HAP/RAS, only 37 units of these targets were achieved. It is unclear how much of this shortfall is related to the well documented experiences of discrimination among Travellers attempting to access private rented accommodation.

The Equality Review refers to 'difficulties encountered' around HAP and RAS targets and that individual Travellers were responsible for sourcing such provision. It is of concern that the Equality Review does not provide greater detail on this issue or reference any steps to address it.

It is also of note that while just two of the 166 projected targets in the 2014-2018 TAP were for Traveller-specific accommodation, it is reported in the current TAP that these two targets were not achieved.¹

¹ However on page 6 of the current TAP the following note is added in respect of Additional Works on Traveller Accommodation 2014-2018:

"In addition to the outputs achieved, works were carried out to Willow Park Halting site in 2014/2015. These works consisted of upgrading the two bays and carrying out some demolition works".

Approach to equality and discrimination concerns for the Traveller community

An overarching issue evident in regard to the Equality Review, is an apparent limited understanding of, and approach to, equality and discrimination concerns for the Traveller community. This is evident in a number of statements in the Equality Review. The Council notes, for example, that it is satisfied that there is nothing in its practices or procedures that prevents Travellers from accessing its services on an equal basis, as:

“no distinction is made between the needs of Travellers and other [housing] applicants”.

The Equality Review notes that the Council addressed the Equality Review questions:

“as part of a general outline of how Longford County Council deals with [all] applicants for social housing support”.

These statements suggest a failure to understand that in addressing equality and discrimination concerns there is an imperative to acknowledge and take account of difference, in this instance, the specific situation and experience of Travellers, including their ethnic identity and cultural difference, and the needs that flow from this diversity. These statements are at odds with the approach outlined in the Council’s current TAP, which notes the distinct ethnic identity of the Traveller community and the Council’s stated approach to provide supports to Travellers ‘which will be based upon the distinct needs’ of the community.

Furthermore, the Council, in the Equality Review does not report giving any consideration to the need to proactively respond to the practical implications of cultural diversity in its provision of standard social housing to Travellers. There is no reference to initiatives to support and sustain the development of integrated diverse communities on social housing estates.

The policy statement of the current TAP of the Council usefully commits to ‘addressing equality and human rights concerns for all in the delivery of its Housing Functions, including Traveller Accommodation, by the promotion of the values of dignity, inclusion, social justice, democracy and autonomy’. There is no information provided in

the Equality Review, however, as to how these core underpinning values are applied by the Council in the development and implementation of its TAP.

The current TAP establishes that the Council 'endeavours to provide accommodation supports to the Indigenous Travelling Community'. The term 'indigenous' is not further clarified. It would be important that it did not set limits on housing supports to Travellers that are discriminatory in comparison with provisions in relation to local connection requirements for the general population under the 2011 Assessment Regulations.

Supports and services provided by the Council

The Equality Review notes that applicants for social housing supports are provided with assistance, to complete their application 'if they request it'. Given the limited capacity noted by the Council to track applicants from the Traveller community, and considering the barriers that Travellers may experience in completing an application, such as: information, literacy, and digital access barriers, there is a concern that this reflects an inadequate process to support Travellers to apply for social housing supports, and, subsequently in relation to accurately identifying their accommodation preference. This in turn raises concerns in regard to how the final TAP targets are arrived at.

Neither the Equality Review nor the current TAP indicate whether the Council provides targeted services to Travellers availing of their social housing supports.² This is a notable gap, given the issues cited by the Council in regard to the issues in the Willow Park halting site (as discussed above), as well as the issues noted in regard to the difficulties Travellers experienced in accessing private rented provision over the course of the previous TAP.

Neither the Equality Review nor current TAP make reference to any existing processes for Traveller tenant participation in estate management on the Council's Traveller-specific accommodation.

² The 2014-2018 TAP references a social worker who is employed by the Council to work with the Traveller community, however, no reference to this position is made in the current TAP.

In the absence of data or information on Traveller homelessness, as set out above, 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. The current TAP merely references the general supports that are available.

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; and providing a breakdown, by accommodation type, for current accommodation status of Travellers 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;
- 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;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
- reviewing the local connection requirements for Traveller access to housing supports to ensure that there is no discrimination when compared to the requirements on the wider community as a result of the focus on the indigenous Traveller community;
- enabling appropriate processes for Traveller participation in estate management on Traveller-specific accommodation;

- identifying and responding to the imperative of an informed and empowered participation by Travellers on the LTACC through capacity-building or support for representatives; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
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. They could also assist with online applications where members of the Traveller community have no access to the internet. The officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.

5. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation, to help 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.
6. Mainstream the core values of dignity, inclusion, social justice, democracy and autonomy, identified as underpinning the Council's TAP, into all policies, procedures, and practices of relevance to its implementation and review. In turn, adopt a broad equality policy incorporating discrimination on all prohibited grounds and ensure all staff receive training on this policy and the abovementioned policies.

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
Irish Human Rights and Equality Commission

The Irish Human Rights and
Equality Commission
**16 – 22 Sráid na Faiche,
Baile Átha Cliath, D07 CR20**
16 – 22 Green Street,
Dublin, D07 CR20

Íosghlao/Lo-Call 1890 245 245
Guthán/Phone + 353 (0) 1 858 3000
Ríomhphost/Email info@ihrec.ie
Idirlíon/Web www.ihrec.ie
🐦 @_ihrec