

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



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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 Offaly 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 04 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 15 June 2020.

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

It comprises three sections, namely:

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

Section 1 Key areas of interest

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

The Council states that notice of its intention to prepare the draft TAP 2019-2024, and inviting submissions, was communicated to the LTACC, the Midlands HSE, adjoining housing authorities, voluntary bodies as deemed appropriate, and published in the local press and on the Council's website/social media platforms in September 2018. The Council reports that it received submissions from nine parties and they were considered in the preparation of the TAP and incorporated into the plan as appropriate. The Council states that the draft plan was open for consultation from April to June 2019, and that the final TAP 2019-2024 was adopted on 16 September 2019.

The Council states that it is its policy to consult with Traveller applicants regarding their accommodation needs and requirements to provide, where appropriate, Traveller-specific accommodation. It states that:

“the strong Traveller representation on the LTACC, the existing robust but positive rapport between Travellers, elected and administrative Committee members, provides the conditions for a successful implementation of the 2019-2024 TAP”.

The Council states that this is paralleled by the broader relationship which the Council maintains with Offaly Traveller Movement and Birr Traveller and Settled Group. In addition, the Council states that:

“a significant underpinning relationship, based on individual contact, has been created through the concerted efforts of social workers and housing officers to deliver on family accommodation preferences”.

The Council states that an assessment of current needs for Traveller accommodation in the county, based on open housing applications and by consultation, gave rise to the following needs:

- Standard social housing: 32 families;
- Group housing: 5 families;
- Halting site: 6 families; and
- Isolated rural house: 2 families.

The Council reports that there is a total need of 45 units and that the 2019-2024 TAP plans to provide a total of 65 units, allowing for family growth over the lifetime of the plan. The Council states that the key capital projects for the current TAP will be the completion of 4 group housing schemes, with the first of these in Chancery Lane, Tullamore.

The Council states that the 2019-2024 TAP targets will be monitored by the LTACC through a mid-term review and end of year reports.

In the body of the TAP 2019-2024, the following paragraph is included:

"Offaly County Council will not include provision of accommodation for horses in proposals regarding Traveller accommodation. It is the opinion of the Council that horses are the responsibility of the owner and as such it is for the owner to arrange suitable accommodation. Offaly County Council will implement the provisions of the *Control of Horses Act 1996* and *Offaly County Council Control of Horses Byelaws 2014*".

The Council states that it has statutory obligations under the 2009 Act in the provision of social housing support, and under S.22 of the 2011 Allocation Regulations regarding the Council's Scheme of Letting Priorities. The Council states that this allows members of the Traveller community to avail of the standard housing list, AHB and a Traveller-specific list. The Council states that:

"under these regulations, Travellers are listed as a 'Specific Category of Need' where families may be prioritised for housing by virtue of being members of the Traveller community".

The Council states that:

"Travellers may also be prioritised on the basis of homelessness, lack of suitability of accommodation, medical need, or disability – as laid out in the *Council's Scheme of Letting Priorities for Social Housing Accommodation 2017*".

The Council states that a recent change in practice that it has adopted in respect of the annual housing needs assessment will serve to safeguard Travellers. It states that previous practice had been that a housing application form was sent out annually for renewal and if this was not returned to the housing section of the Council within a specific timeframe the application was closed. The Council states that, from now on, if the application is not returned, the Social Worker gets notification of this and will follow up with the family. It states that a member of the Traveller community removed from the housing list as a result of non-compliance with this requirement, can, if they are included in the subsequent annual Traveller count, submit an appeal to the Housing Officer.

The Council states that it facilitates transfer requests from members of the Traveller community both to and from Traveller-specific accommodation and standard housing subject to the general requirements of transfers. It states that:

"the nomadic tradition of Travellers is accommodated in the regulation of tenancies/agreements whereby Travellers may leave their accommodation for a period of 6 weeks for the purposes of travelling: this regulation is being subject to further review and consultation with Travellers".

According to the Council, a caretaker is employed to assist with the daily management and maintenance of the three existing halting sites in the county. It states that the Council provides a crèche/playschool facility on the Kilcruttin Halting Site.

The Council reports that rent charged for halting site bays is fixed at €7.50 per week (plus €5/week for waste collection) and includes the provision of a day house. It states that this provision is set out in the Differential Rent Scheme in order to prevent hardship. It states that rents charged for the provision of group housing are calculated in accordance with the Differential Rent Scheme.

The Council reports that the LTACC has been in place since June 1999 and sets out the role of the LTACC as follows:

- Advise in relation to the preparation and implementation of any accommodation programme for the functional area of the Council;
- Advise on the management of accommodation for Travellers;
- Provide a liaison between Travellers and members and officials of the Council;
- Facilitate consultation between the Council and Travellers; and
- Produce an annual report giving a summary of activities for each year in operation.

The Council's review provides that membership of the LTACC in 2019 included five elected members, six Traveller representatives, three local authority staff (Director of Services, SEO/AO, Social Worker). It states that the LTACC meets four times each year.

In terms of other supports available to members of the Traveller community, the Council states that its Social Inclusion Team (made up of a Social worker and two CLOs, reporting to the 'Administration Officer'), currently supports the establishment of a residents' group in Tullamore (Kilcruttin) Halting Site. It states that a quarterly review of priority housing applicants takes place within the Housing Department and the Social Inclusion Team are invited to put forward priority cases and are present at all case review meetings. The Council reports that a fulltime Caretaker has regular contact with the Social Inclusion Team to inform them of any issues or concerns of tenants. In addition, the Council reports that the CLOs provide tenant liaison support to Travellers living in both Traveller-specific accommodation and standard social housing.

The Council states that it employs a Social Worker with specific responsibility for working with members of the Traveller community. It states that the Social Worker assists applicants in completing and updating their social housing application form and visits all Travellers living on the roadside at least once a year to discuss their housing need. According to the Council, if a family living by the roadside are currently on the

housing list, a Social Work Housing Need Report is completed for review by the Traveller accommodation and allocations sections of the Council. The Council states that the Social Worker further refers Travellers who are homeless to the Council's homeless service as required.

The review states that the Council's Homeless Team consists of 'a Homeless Officer, Grade 5, Grade 3'. The Council reports that the Homeless Team refers Travellers to the Social Worker as necessary. It states that HAP Place Finder also provides support to Travellers seeking accommodation.

The Council reports that it also works closely with other statutory agencies including the HSE, local voluntary organisations and Traveller support groups to support the provision of accommodation, education, health services, training and employment supports and to avoid any unnecessary overlap and duplication of resources.

The Council highlights that both the 2014-2018 TAP and current TAP are taking place during a very challenging housing and homeless situation. The Council reports that the level of demand on housing stock in Offaly, both social housing and the private rented sector is unprecedented. The Council reports that in 2013, there were 83 Traveller families in private rented accommodation compared to just 44 in 2018 - a 47% reduction of Traveller families in private rented accommodation. As recommended by the LTACC for the 2019-2024 TAP, the Council states that it will seek to re-establish the TIG to address issues that were highlighted in the consultation for the 2019-2024 TAP but that are external to the purpose of the TAP.

B. Comparison of funding to comparator group

In Table 1a of the Equality Review, annual capital expenditure for Traveller accommodation from 2015 to 2018 is set out. Over this period, it is reported that total allocation came to €1,146,273 and that total drawdown from the DHPLG was €223,668. In 2019, it is reported that total allocation amounted to €984,998 and the total drawdown came to €509,743 as of October 2019 (the balance was due to be drawn down in December 2019).

In respect of annual current expenditure for Traveller accommodation from 2015 to 2018, the total expenditure over this period was reported as being €1,031,175 and the total figure drawn down from the DHPLG was €437,088. Total additional local authority funding is reported to have come to €594,087.

Table 3 of the Equality Review sets out annual capital expenditure for general housing from 2015 to 2018. The total sum drawn down was stated to be €19,931,801 and total additional local authority funding as coming to €2,689,366. For annual current expenditure for general housing over this period, no sums were drawn down from the DHPLG. Additional local authority funding is reported as having amounted to €842,518.

C. Adequacy of funding

The Council states that during the TAP 2014-2018, 98 units of accommodation were delivered. It states that these comprised 54 standard social houses, 2 single instance purchases, 25 AHB houses and 17 bays (through refurbishment of the existing halting site at Kilcruttin and casual vacancies that arose). The Council states that it exceeded the overall accommodation targets set out in the TAP 2014-2018 by 53%.

In a letter of clarification of 15 June 2020, the Council states that it has delivered three serviced halting sites in the county accommodating over 28 families. It states that there are two unofficial halting sites, which are being reviewed under the current TAP 2019-2024. The Council states that offers of accommodation have been made to families on unofficial halting sites but some of these families have declined the offer.

D. Whether all funding allocated drawn down

The Council states that the identification of suitable sites for the provision of Traveller group housing is a challenge. The Council states that sites owned by the Council may be used for this purpose and additional sites may be acquired, if required, subject to the availability of funding.

The Council states that the TAP 2014-2018 accommodated a total of 98 families, including 17 families on halting sites. The Council reports that in 2014, significant refurbishment and clean-up work was carried out on Kilcruttin Halting Site at a cost of

€350,000. It states that only €89,000 of this was approved by the DHPLG and that the Council had to absorb the remaining expenditure incurred.

More generally, the Council states that the costs of environmental works/clean-up can be significant when dealing with Traveller-specific accommodation, yet these costs are not currently available from the DHPLG and must be borne by local authorities.

The Council states that group housing schemes identified in previous plans gave rise to challenges due to difficulties identifying suitable sites and zoning issues. Also, the Council reports that both financial and staff reductions affected all housing services, however progress under the 'Rebuilding Ireland' plan has seen the return of capital budget and staff.

According to the Council, the group housing scheme planned for Chancery Lane, Tullamore, is a pilot scheme which incorporates a group housing scheme and social housing scheme. The Council states that it is working in collaboration with CENA to progress this capital scheme. The Council states that there has been some delay in the delivery of this scheme due to longer consultation periods required for group housing schemes and obtaining agreements with the DHPLG on specific areas of the scheme.

In a letter of clarification dated 15 June 2020, the Council states that the TAU in the DHPLG does not allocate an annual budget to each local authority at the beginning of each year. It states that submissions are made on capital projects following the Department's four-stage process and some projects can take up to four years to complete. For example, the Council states that it was given final approval for €984,998 in 2018 for a group housing scheme and the balance of this allocation was drawn down in early 2020.

The Council states that up until 2020, the purchase of standard housing could not be recouped through the TAU in the DHPLG, so therefore this was not reflected in funding spend/drawdown.

According to the Council, some issues which had caused delays in previous projects were being addressed by carrying out feasibility studies of potential sites and examining submissions under the review of the County Development Plan in relation to

re-zoning. The Council states that it is renewing its efforts to deliver on commitments in the current TAP by the establishment of an internal team consisting of a Social Inclusion Administration Officer, Social Worker and Architect /Engineer, who will work with Traveller representatives groups in the county to progress schemes.

E. Any further issues of equality of opportunity

The Council includes a number of objectives in terms of Traveller accommodation in its Development Plan 2014–2020, which are outlined as follows:

“It is the Council’s stated policy to respect the distinctive culture of the Traveller community and assist in the process of integration with the settled community”;

“It is the Council’s stated policy to provide a good and well-managed living environment for the Traveller community including recommended standards of accommodation, sanitary facilities, and pre-school education facilities, where feasible and on sites approved by the relevant housing authority only”; and

“It is an objective of the Council to provide adequate accommodation for Travellers in accordance with the Council’s TAP. Further it is an objective of the Council to take a flexible approach to the location of this accommodation for Travellers”.

The Council refers to objective 6 in the Council’s Local Economic and Community Plan 2016-2021, which concerns the promotion and support of cultural diversification within communities. Objective 6.2 is entitled ‘Traveller Well-Being’ and includes an objective to:

“support the accommodation needs of Travellers by empowering a Traveller-led community housing scheme”.

The Council states that its Corporate Plan 2019-2024 will set out how it will implement its Public Sector Equality and Human Rights Duty as a service provider and as an employer. It states that the Commission and the LGMA will be asked to support this process.

The Council reports that, in September 2017, it began holding a series of facilitated workshops with the LTACC, Traveller groups and elected members. It states that the first, held in September 2017, was on the theme of 'Understanding the challenges of delivering Traveller-specific accommodation'. It states that this involved presentations from the Commission on the Public Sector Duty and from CENA. The Council states that, in October 2018, another workshop was held with the title 'Moving towards a framework for managing the TAP and associated issues'.

The Council states that it intended to engage Offaly Traveller Movement to provide cultural awareness training to LTACC and staff members in early 2020. The Council states that it supports Traveller Pride Day and has implemented programmes under Offaly Sports Partnership.

The Council concludes its review with the following observations and recommendations:

- Transient halting sites have not been prioritised by the Council on the basis that such sites could only be justified, in terms of cost and sustainability, if developed in collaboration with a number of adjacent local authorities;
- The only regional structure relating to the role of local authorities is the Eastern and Midlands Assembly. Regional Assemblies were created under the Local Government (Reform) Act 2014. Although regional assemblies have no assigned implementation role, they do have a range of powers in relation to spatial planning and economic development;
- It is recommended that Government give consideration to examining this matter in light of the recommendations of the TAER 2019 that regional assemblies be given a formal role in advising on, coordinating and monitoring of the local level delivery of Traveller accommodation at regional level, and, in the shorter term pending this new role, designate local authorities in each region as leads in the areas of review, policy, delivery, etc.;
- Another possibility is that the NTACC assume the lead role for advancing and managing a network of transient sites;
- It is recommended that the Public Sector Duty, which places a responsibility on public bodies, including local authorities to implement the duty to promote equality, protect human rights and prevent discrimination, be advanced by identifying the equality and human rights issues in the county,

including those affecting Travellers, and developing a plan to address the totality of policies and practice negatively impacting on Travellers;

- It is recommended that all expenditure on accommodation allocated under the TAP be eligible for capital support from the TAU of the DHPLG. This would include the provision of residential standard mobile homes or modular units on authorised halting sites, the purchase of standard housing, the refurbishment of standard housing, the full costs of managing and maintaining halting sites and cyclical works programmes such as boiler replacement, kitchen replacement and bathroom replacement.; and
- The introduction of a Traveller identifier for the purposes of ethnic equality monitoring would assist the application process for standard housing – this could emerge as the Public Sector Duty implementation process gets underway. Introducing ethnic equality monitoring will need to be 'proceeded by staff training and accompanied by strict controls on the sharing and use of any collected data'.

Section 2 Issues arising

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

The process of completing the Equality Review

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

Capturing true preferences

The Council does not appear to have a robust system in place to capture and record true accommodation preferences of Travellers. The review suggests that the Council obtains data on such preferences from open housing applications and consultation and future need is addressed by projecting the rate of family growth. No information is provided on how such consultation is carried out. From the information provided, it seems that this takes place indirectly through the LTACC and on an informal and reactive basis with social workers and housing officers. Projecting future need seems to be based simply on increasing the numbers of current forms of accommodation, i.e. based on the presumption that there will be no change in preference on the part of Travellers entering adulthood throughout the course of the TAP.

The TAER found that recording snap-shot or historical data on existing accommodation did not equate to an accurate record of accommodation preferences. Furthermore, some members of the Traveller community perceive a lack of Traveller-specific accommodation or are exasperated by overcrowding or poor hygiene conditions on halting sites and for this reason, feel they have no choice but to apply for social housing. Accurate collecting and recording of multiple preferences could rule out these potential underlying reasons and give the Council a more robust basis for its record of accommodation preferences. This in turn would create a more solid foundation for future Traveller-specific accommodation policies.

The Equality Review advises that offers of accommodation have been made to families on the unofficial halting sites but 'some of these families have declined the offer'. This

is suggestive of a failure on the part of the Council to have in place a system for determining the true accommodation preferences of these families. No further information is provided on: how many families declined accommodation; what type of accommodation was offered/declined; the consultation process undertaken with these families; what requests these families had made in respect of alternative accommodation; and what steps the Council had taken to determine whether such requests could be achieved. An assisted survey or formal consultation process is required to this end.

Housing application process

The Equality Review advises that the Council's Traveller Accommodation Needs Assessment is based on completed social housing application forms. The Equality Review also notes that:

“[i]t is the policy of Offaly County Council to consult with Traveller applicants regarding their accommodation needs”.

No detail is provided on this consultation process. The review notes that:

“[f]ailure to submit a completed return may result in an application for housing support being closed”.

It would appear that this process fails to take account of the specific barriers that members of the Traveller community experience in accessing information about their entitlements and in completing the social housing application form.

The Equality Review further notes that:

“a Housing Application form is sent out annually for renewal. If this is not returned to the Housing Section of Offaly County Council within a specific time frame the application is closed”.

While the Council advises that ‘from now on’ if the application is not returned, the Social Worker will be notified of this and will follow up with the family, it is of concern that these approaches were in place and have only recently been rectified.

In addition, there is no detail provided in regard to whether and how Travellers are supported to effectively engage with the process to ensure that preferences identified are in fact true preferences. There is no independent verification process identified in relation to preferences and no tracking of these over time reported in the TAP or the Equality Review.

It is noted that the Council recommends the introduction of a Traveller identifier for the purposes of 'ethnic equality monitoring', which it states would assist the application process for standard housing and that this would need to be 'preceded' by staff training and accompanied by strict controls on the sharing and use of any collected data. This would assist in the capture of accommodation preferences and in gathering data to permit monitoring of the Council's compliance with equality standards.

The Council's Scheme of Lettings includes Travellers as one of its specified groups under categories of need, where families may be prioritised for housing.

Draw down and spending

There was a significant underspend on capital Traveller-specific accommodation projects from 2015 to 2018, with total allocation coming to €1,146,273 and total drawdown from the DHPLG amounting to €223,668. As of October 2019, there was an underspend for that year, with total allocation amounting to €984,998 and the total drawdown to €509,743. However, the Council stated that the 2019 balance was due to be drawn down later that year. For annual capital expenditure on general housing from 2015 to 2018, the total sum drawn down was stated to be €19,931,801.

The ratio of drawdown for Traveller-specific accommodation to general housing was €223,668 : €19,931,801, or 1 : 89. In the absence of figures for the Traveller population in the Council's functional area as compared to the general population, no meaningful comparison can be drawn from this.

The Equality Review indicates, that for the period 2015 to 2018, one area of significant underspend is recorded: in respect of €984,998 allocated in 2018 for the development of a four unit group housing scheme. Of this allocation, €509,743 was drawn down in 2019 and the Council advises that the remainder was due to be drawn down by

December 2019. In the further information provided, the Council advises that capital projects follow the Department's four-stage process and that some projects can take up to four years to complete due to zoning issues and finding suitable sites. The Council advises that it has taken steps to address these issues in engaging in feasibility studies of potential sites and in including Traveller accommodation objectives in its Development Plan.

During the period 2015-2019, the only other capital funding applied for relates to: upgrades to the Croghan Road halting site (€59,694 was budgeted for these works, and €59,394 was drawn down); and €161,275 expended for a one-off house purchase for a Traveller family.

The Council observes that the costs of environmental works/clean-up can be significant when dealing with Traveller-specific accommodation, yet these costs are not currently available from the DHPLG and must be borne by local authorities.

Delays in the provision of Traveller-specific accommodation

The Council sets out a number of reasons explaining delays in the provision of planned Traveller-specific accommodation. These included difficulties in identifying suitable sites and zoning issues. As referred to above, it has taken steps to address these issues in engaging in feasibility studies of potential sites and in including Traveller accommodation objectives in its Development Plan. The Council states that it further intends to establish an internal team to monitor delivery of the TAP commitments, which will work with Traveller representatives groups in the county to progress schemes.

Delays in the past had also been due to financial and staff reductions, but the Council states that progress has been made on this front as the 'Rebuilding Ireland' programme has seen the return of capital budget and staff. The Council also explains that a number of its capital projects would have taken in excess of a year to complete and so if funding was allocated in one year, the entire sum would not be drawn down until the completion of the project, which could be up to four years later.

It is noted that the Council worked with CENA to ensure the progression of the group housing scheme planned for Chancery Lane, Tullamore, a pilot scheme which incorporates a group housing scheme and social housing scheme. The Council states that there had been some delay in the delivery of this scheme due to longer consultation periods required for group housing schemes and obtaining agreements with the DHPLG on specific areas of the scheme.

TAP 2019 – 2024

The current TAP indicates that, over the lifetime of the programme, the Council's targeted provision for Traveller families is 77 households (45 current need and 32 projected need). Of the 45 families indicated as having a current need, the TAP advises that the preferences expressed by those households are as follows: 32 for standard housing; six for halting site accommodation; five for group housing; and two for rural housing.

The current TAP further notes that the Council's targets, by accommodation type, over the period of the TAP, will aim to provide: 42 units through standard housing (including RAS/HAP/local authority and AHB social housing); 18 units through group housing; and 5 through halting site provision. This gives a total of 65 planned units. It is unclear why this total is 65, however, and not 77, given that 77 was identified as the total target number in the TAP.

While the targets for group housing (18) appear high, the Council advises that at least 10 of these group housing targets relate to targets that were not achieved under the 2014-2018 TAP. The Council advises that delays in progressing group housing schemes include issues such as identification of suitable sites, zoning issues, and in one instance, in 2008, when four Traveller families withdrew from the process 'when they realised they would have to pay rent in accordance with [the Council] Differential Rate Scheme'.

Of the 32 units target for standard housing, the TAP does not indicate what percentage of these will be achieved through local authority/AHB housing versus private rented accommodation. However, the TAP does indicate that:

“HAP will represent a key form of social housing support provided during the course of the programme”.

Traveller ethnicity and culture

The TAP makes no reference to the Council’s recognition of Travellers as a distinct ethnic group. In addition, there are a number of policy positions outlined in the current TAP that give cause for concern that the Council does not give consideration to addressing issues of cultural difference, and responding to any specific needs that might arise in this regard, in the provision of housing and homelessness supports.

In relation to the provision of standard social housing or AHB housing, there is no reference to steps being taken to support and sustain integrated intercultural communities on these estates.

The Council’s statement of its policy on horses in its TAP 2019-2024 in the form of a blanket exclusion from considering this accommodation need in its TAP is not in accordance with its duty to assess the accommodation needs of Travellers. The TAP notes that:

“[t]he Council will not include provision of accommodation for horses in proposals regarding Traveller accommodation”.

This does not reflect any commitment to respond to the importance of this tradition of horse ownership within the Traveller community. The keeping of horses is part of the historical culture of members of the Traveller community. Their accommodation needs in terms of the keeping of horses must at the very least be acknowledged and recorded. The Council may have legitimate difficulties in terms of locating appropriate sites, but funding is available from the DHPLG for Traveller-specific accommodation and so this resource should be utilised in order to meet this accommodation need of Travellers.

In regard to the provision of transient accommodation, the TAP advises that:

“[g]iven the current demand for permanent Traveller-specific accommodation it is considered that priority should be given to delivering permanent

accommodation requirements identified in this Programme. Therefore, there is no provision for Transient accommodation in the 2019-2024 Programme”.

This would appear to give insufficient attention to responding to the needs arising from cultural difference and the potential importance of transient sites to the nomadic tradition of the Traveller community.

It is noted that the Council intended to provide cultural awareness training by Offaly Traveller Movement to its LTACC and staff members in early 2020.

Private rented sector

The Equality Review indicates that the number of Traveller families in private rented accommodation in the area has fallen by 47% between 2013 and 2018. The review appears to put this down to increased level of demand for private rented accommodation in the county. There is no analysis of the specific experiences of Travellers, however, in terms of the impact of increased demand coupled with Travellers’ experience of discrimination in accessing private rented accommodation. There are no steps indicated to address this additional barrier for Travellers alongside a demand for this accommodation that is deemed to go beyond supply.

Homelessness

The current TAP indicates that, of the 320 Traveller families living in the Council’s administrative area, a significant number are on the homeless continuum: 8 families are in emergency homeless accommodation; 31 families are living on the roadside/unauthorised sites; and 33 families are doubling up with other families in standard/group/LA/halting site or private rented accommodation.

The Equality Review notes the ‘very challenging housing and homeless situation’ and the ‘unprecedented level of demand’ for social housing and private rented accommodation, in the administrative area. There is no analysis of the specific experiences of Travellers who are homeless, the particular needs that might arise for Travellers in the provision of homeless services, and how these needs are being addressed.

Supports

It is noted that the Council facilitates Travellers in accessing social housing in a number of ways: social worker follow-up in the case of non-compliance with the annual confirmation of housing need; processing of transfers between the standard housing and Traveller-specific accommodation lists; and the possibility of leaving social housing for up to 6 weeks for the purposes of travel. It is also noted that halting site bays and group housing rents were in accordance with the Differential Rent Scheme to prevent hardship and that Travellers could make a payment to the Council to have waste removed.

It is further noted that to assist Travellers in accessing accommodation services, the Council has in place a representative LTACC, its Social Inclusion Team and a Caretaker and that the Homeless Team also provides support to Travellers. The Equality Review notes that the Social Worker visits all Travellers living on the roadside 'at least once/year to discuss their housing need'. It was particularly notable that the Council has in place a crèche on the Kilcruttin Halting Site. The Equality Review, however, does not offer any further detail in regard to: whether, and how these general supports take account of the specific situation, experience and identity of Travellers and their particular needs; and the outcomes for, and experiences of Travellers accessing these supports. It is noted that the Council intends to follow a recommendation of the LTACC to re-establish the TIG.

The current TAP notes that the Council:

"will support and promote the involvement by Travellers in estate management of their halting sites".

Neither the TAP nor the Equality Review offer detail on whether any such initiatives are in train. The Equality Review notes that currently the Council's Social Inclusion Team is supporting the establishment of a residents' group on the Kilcruttin Halting Site, however, no further information on this initiative is provided.

LTACC

The Council reports that currently there are six Traveller representatives on its LTACC. There is no detail provided regarding the process by which Traveller representatives are appointed onto the LTACC or supported to participate effectively on the LTACC, or the process for them to have accountability back to the wider local Traveller community.

The Public Sector Equality and Human Rights Duty

The Equality Review references the Council's statutory obligations under S.42 of the 2014 Act: the Public Sector Equality and Human Rights Duty. The review advises that the Council's Corporate Plan 2019-2024 will set out how it will implement its Public Sector and Human Rights Duty.

The Corporate Plan 2019-2024 gives significant mention to the Duty and notes the particular areas of relevance to include the TAP and the LTACC. The Equality Review notes that the LTACC had a presentation from the Commission on the Public Sector Duty. No information is provided on whether any follow-up action was initiated on foot of this input.

It is noted that the Council included Traveller accommodation objectives in its Development Plan 2014-2020 and in its Local Economic and Community Plan 2016-2021.

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 and information in the TAPs and progress reports, in particular: providing detail on the process for assessment of Traveller accommodation needs and preferences in the administrative area;
- tracking over time 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;
- acknowledging the Council's recognition of Travellers as a distinct ethnic group, in its TAP, and the accommodation and support needs that arise from cultural difference reflected in Traveller culture and identity;
- establishing appropriate structures, processes, and supports for Traveller participation in estate management on Traveller-specific accommodation;
- responding to the practical implications of Traveller ethnicity, in the provision of standard housing, in particular for supporting and sustaining integrated diverse communities;
- tracking the experiences of the Traveller community in seeking to secure accommodation in the private rented sector and addressing the issues identified;
- establishing Travellers' specific experience of homelessness, and particular needs that might need to be addressed in homelessness services;
- 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 and Travellers to participate effectively; and

- implementing the Public Sector Equality and Human Rights Duty, as recommended in the Equality Review of the Council, taking advantage of the next review of the TAP to assess the equality and human rights issues relevant to this function and to ensure action on these is implemented under 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. Remove the blanket ban on addressing the accommodation needs of Travellers in terms of keeping horses as currently set out in its TAP 2019-2024.
 5. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns it may have in respect of their accommodation directly. The officer could also assist with online applications where members of the Traveller community have no access to the internet. The Traveller Liaison Officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.

6. Engage the services of an appropriate independent body, to draft a report on the true accommodation preferences of the current residents of the two unofficial halting sites in the Council's functional area and possible steps that could be taken to provide for these preferences. Any such steps taken by the Council should be published.
7. Record data on both funds allocated and drawn down for Traveller-specific accommodation and those for general accommodation. This would help to inform the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation. Account may be taken of the true preferences of members of the Traveller community whose accommodation needs are met through general housing funds and of the fact that some forms of accommodation are more expensive than others.
8. Assess over the coming years whether the new procedures set out in Circular 03/2020 of the DHPLG improve its rate of draw down for Traveller-specific accommodation. If no improvement is evident at that point, the Council should commission an independent report into the reasons for this and follow any recommendations made.

Appendix 1

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

- (a) The practices, procedures and other relevant factors in respect of the provision of accommodation services to members of the Traveller community within the Council's functional area;
- (b) The amount of funds allocated by the Department of Housing, Planning and Local Government that the Council requested to draw down in each of the last four years;
- (c) The amount of funding applied for by the Council to the Department of Housing, Planning and Local Government, but which was not drawn down;
- (d) If the entirety of funding allocation was not drawn down, to provide the reason(s) for this;
- (e) For each of the previous four years, the projects for which the Council applied for funding from the Department of Housing, Planning and Local Government and to confirm which of these received funding. To also confirm which of these projects were completed, and if not completed, to advise of the reason(s) for this;
- (f) To confirm the amount of funding in respect of general or standard housing available to the Council in each of the previous four years, the amount requested to be drawn down and the amount in fact drawn down in each of these years;
- (g) The impact that any failure to draw down allocated funds has on the Council's statutory duty to provide sites for caravans, including sites with limited facilities;
- (h) To confirm the amount of funding in respect of the provision of Traveller specific accommodation already applied for and/or that will be applied for in 2019;

- (i) To specify how the issue of applying for and drawing down funding is to be addressed in the Council's strategy for securing the implementation of its Traveller Accommodation Programme;
- (j) Whether any issues of equality of opportunity or discrimination arise in respect of the above-mentioned practices, procedures and other relevant factors with regard to the provision of accommodation services to members of the Traveller community and the failure to draw down funding for Traveller specific accommodation; that is, are these practices, procedures and other relevant factors conducive to ensuring that service users who are members of the Traveller community can avail of accommodation services on an equal and non-discriminatory basis with service users who are settled persons/not members of the Traveller community; and
- (k) Any recommendations and/or findings arising from the review.



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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