

An account of the Equality Review carried out by Tipperary 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 Tipperary 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 26 May 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 in preparing its TAPs, it undertook a consultation process that reflected the provisions of the 1998 Act and Departmental guidelines and circulars. The Housing Section contacted interested parties such as the HSE, voluntary bodies, State agencies, Traveller support groups, as well as placing adverts in local media seeking submissions. Observations were also sought from fora such as the LTACC and the Council's housing strategic policy committee. Membership of the LTACC consists of representatives from the Traveller community, elected members, Council officials and representatives from voluntary and statutory agencies.

The Council states that a mid-term review of its TAP is carried out and in addition, quarterly meetings of the LTACC assess and consider progress on the implementation of the objectives of the programme. The most recent annual count of Traveller families in November 2018 estimates that 375 Traveller households reside in Tipperary.¹ The Council expected approximately 100 new household formations among the Traveller community over the lifetime of the 2019-2024 TAP.

¹ In June 2021, after being provided with a draft copy of the Commission's account of the Council's Equality Review, the Council provided the Commission with the results of the 2018 'Annual estimate of Traveller Families and their accommodation position'. The count estimated that there were 375 Traveller families living in the Council's functional area. It provides the following breakdown by accommodation type: 197 families in standard local authority housing/lettings; 27 families in local authority Traveller group housing; 30 families on serviced halting sites provided by the Council and 31 families on unauthorised sites; 5 families in houses acquired or improved with the assistance of the Council (that is, a house acquired by the local authority or through the Shared Ownership Scheme (pre 2011) or the Tenant Purchase Scheme (pre 2011)/Incremental Tenant Purchase Scheme); an estimate of 4 families in houses acquired without the assistance of the Council; an estimate of 49 families in private rented accommodation (further broken down into the following categories: RAS (20); Rent Supplement (8); HAP (8); Long term leasing (12); and own resources (1); 17 families in 'Voluntary Housing' (under the category described as 'Standard Housing – Capital Assistance'); 27 families were sharing accommodation with others (this figure is further broken down into the following categories: standard lettings (4); group housing (17); houses acquired or improved with the assistance of the Council (1); houses acquired without the assistance of the Council (3); private rented accommodation (1); 'Voluntary Housing; (1). The results of the count further provide that 3 families were identified as living in 'other state supported accommodation' (broken down further into the following categories: transitional housing (2); and emergency accommodation (1).)

The Council notes that the Council's Director of Services with responsibility for housing meets with key staff who deal with Traveller accommodation on a monthly basis to prioritise the delivery of accommodation solutions for members of the Traveller community. The Council states that the purpose of this sectoral specific accommodation focus is to ensure that the Council's targets are met and that a pathway is found to resolve the more intractable Traveller accommodation issues.

The Council states that, in addition to the TAP, the Housing Allocation Scheme and Scheme of Letting Priorities is used in the determination of accommodation for all approved applicants, including Travellers. The Council provides that the HAO and the Traveller Liaison Officer meet with the relevant members of the Traveller community to assist in the completion of the relevant application forms, to talk them through its content and explain same and to assess and determine their housing need. In the context of the criteria used, the Council states that members of the Traveller community are assessed in the same way as members of the settled community. It reports that Section D of the housing allocation scheme makes particular reference to the facility to treat as a '*special condition*' the ability of the housing authority to allocate a particular number or proportion of dwellings to members of the Traveller community and this has been well used as and when appropriate by the Council. According to the Council, the Council is also currently reviewing its housing allocation policy and this will include assessing and considering how the housing authority might be more effective in meeting the special needs of categories including people with a disability, members of the Traveller community and refugees.

The Council states that soft supports are provided by both the Council and the DHPLG to assist in meeting these housing targets. The Council states that it has one senior social worker and two Traveller Liaison Officers who work closely with the Traveller community. The Council provides that it holds a very important role in the context of assessing the accommodation needs of Travellers and working with the families in question to ensure they are appropriately housed.

The Council explains that pre-tenancy training is provided to all families who are appointed to a dwelling and the Traveller Liaison Officers also support and work with

the families to access other necessary supports both in the context of their move but also in the context of other well-being supports (health, DSP, education etc). The Council also states that post accommodation, the support workers will also continue to liaise closely with the families to ensure that issues pertaining to their accommodation maintenance are addressed along with providing general support.

In the context of Traveller-specific accommodation, the Council notes that all tenants have access to maintenance supports and services. Specifically also, the Council employs caretakers for some of its Traveller-specific accommodation in the north of the county. Given the value of this service to date, according to the Council, it is currently in the process of establishing a tendered caretaking and management service for seven other locations of Traveller-specific accommodation in the south of the county. The Council states that this service is not provided to housing estates generally and represents a strong commitment and recognition of the very specific needs and supports required by members of the Traveller community.

The Council states that Traveller-specific sites are provided with a subsidised waste collection service, which is not available to the Council's tenants generally. In addition, since 2015 the Council has supported the Traveller community by implementing other practical measures including, for example, the provision of skips in four Traveller accommodation sites in order to facilitate the clean-up of sites.

The Council notes that Travellers in standard accommodation are also provided with support through CLOs (5 in number), and specific tenancy sustainment services where required. The Council states that as with all applicants, all members of the Traveller community also have access to the Council's homeless services and actively avail of same (HAP Place-finder; Homeless Prevention officer; TSS service & Housing First Service supports).

B. Comparison of funding to comparator group

The Council states that in the first quarter of every year, a capital funding submission is made to the DHPLG outlining what works are proposed in the context of the TAP. This submission aligns with the needs as outlined in the TAP and in accordance with resources available.

In respect of capital funding for Traveller-specific accommodation from 2015 to 2018, the total sum allocated by the DHPLG came to €3,559,895 and of this, €3,053,367 was drawn down. Total additional local authority funding came to €135,238. In 2019, the total sum allocated came to €553,768, of which €10,955 had been drawn down by the date of the review. Total additional local authority funding was €1,959 as of October 2019.

The Council notes that the data included in the relevant table is not inclusive of the number of Traveller families who have been accommodated over the years in standard local authority housing schemes. These figures would be included in the general housing capital and general housing maintenance figures.

As regards annual/current revenue expenditure for Traveller-specific accommodation from 2015 to 2018, the Council states that the total draw down from the DHPLG amounted to €895,999. Total additional local authority funding was €710,583. The Council observes that Traveller caretaker salaries and expenses and general maintenance is part funded by the DHPLG but other costs such as ESB costs, security and repairs to caravans are not funded. In addition, other sections of the Council, typically the environment section, would incur substantial costs for the removal of refuse and the control of horses.

Regarding annual capital expenditure for general housing from 2015 to 2018, the Council notes that the total sum allocated by the DHPLG was €62,088,779. The total drawdown from the DHPLG over this period came to €58,703,752. Total additional local authority funding amounted to €1,132,547.

The Council states that in respect of annual current expenditure for general housing from 2015 to 2018, the total allocation from the DHPLG was €4,580,292. This full sum was drawn down. Total additional local authority funding came to €15,448,953.

C. Adequacy of funding

Over the period from 2014 to 2018, of a target of ten group housing placements, five were provided. Of a target of three halting site placements 11 were provided. Of a target of ten rural house placements, eight were provided and of a target of 48 standard

social housing placements, 64 were provided. According to the Council, targets were therefore exceeded in relation to standard social housing and halting site placements.

D. Whether all funding allocated drawn down

In respect of the procedures put in place for applying for and drawing down funding for Traveller-specific accommodation, the Council provided further information in its letter of clarification of 26 May 2020. The Council notes that an in-house architect and technician were tasked to develop designs in conjunction with Traveller families, the LTACC and the Traveller Liaison Officers to develop suitable capital projects to meet the needs of the Traveller community. The Council notes that the capital team will ensure that the process is managed in an effective and timely manner. The Director of Services for housing services arranges monthly meetings to set construction targets and monitor progress on these plans. The Council provides that these targets form part of the housing sections PMDS team plan. The Council reports that all projects will be brought before the LTACC, Housing Strategic Policy Committee and full Plenary Council for consideration and observations.

The Council states that no draw down or partial draw down was made in respect of a number of Traveller-specific accommodation projects between 2015 and 2018. The NTL1 Traveller accommodation project for Cabragh Thurles NTCC ran from 2014 to 2019 and so only partial funding was drawn down on a number of years. In respect of the allocation for the purchase and refurbishment of the Dene Garrenroe, the Council states that the balance of this sum was to be drawn down in 2019. The refurbishment works at 22 Drom na Coille, Nenagh ran from 2018 to 2019. The purchase and refurbishment works at Monvey, Northfields, Clonmel ran from 2018 to 2019 – full allocation would be drawn down when the project was finalised.

According to the Council, in respect of three projects, the full allocation was not required in the end: purchase and refurbishment works and Gortnahoe, Thurles; purchase and refurbishment works at Garrancasey, Newcastle; and the refurbishment works on Lake Road halting site, Tipperary Town.

E. Any further issues of equality of opportunity

The Council observes that in the context of improving accommodation outcomes for members of the Traveller community, there are a number of issues that need to be addressed in the context of removing obstacles that may impact on progress. Some of these have been referenced in the TAER 2019. The Council states that:

“it is clear that there is genuine fear and concern by existing settled residents when proposals for Traveller-specific accommodation are brought forward by the executive (or indeed when a member of the Traveller community is being housed in a standard local authority house) and that planning and other legal instruments can and are used to block progress”.

From the Council’s perspective, the objections to Traveller-specific accommodation from the settled community, where they occur, arise generally:

“as a result of perceptions of poorly managed sites; overcrowding; anti-social behaviour; criminal behaviour; waste dumping and excessive number of animals being accommodated”.

The Council states that while it is reasonable to say that some of this is due to discriminatory perceptions, the relevant state, local and other authorities also need to look beneath this layer to see if they can resolve the genuine fears of the receiving community, which could go a long way to reducing opposition to such accommodation proposals.

The Council recommends that, first, there needs to be clarity as to what is meant by ‘Traveller-specific accommodation’. The Council notes that currently this means very different things to different stakeholders – from accommodating a touring van to accommodating horses/dogs/poultry/stables/mobile homes etc. The Council believes that all stakeholders, including housing officials, Travellers themselves and NGOs representing Travellers need to have a common understanding of what such terms mean.

Secondly, the Council states that a discussion needs to be held (and a position agreed) around how to address the accommodation challenges of newly forming family units

whose parents currently live in a group housing scheme and/or a halting site and where there are insufficient units to accommodate their needs. The Council asks whether it is reasonable to accommodate these newly forming family units on these sites or is it reasonable to accommodate them in other appropriate locations? The Council notes that significant challenges genuinely exist when 'new family formations' wish to remain on the site on which they have grown up even though it may not be capable of accommodating them.

Thirdly, the Council states that:

"there needs to be stronger financial support for the management and caretaking of Traveller-specific accommodation, and it needs to be 7 days a week".

According to the Council, its experience is that:

"a significant proportion of families in this accommodation in Tipperary are often very vulnerable with significant needs".

The Council argues that:

"[w]hile this may look like a very expensive outlay in the short term, in the long term it would pay significant dividends as it can deal with any potential anti-social behaviour upfront; prevent illegal encampment; manage the site in its entirety and will result in restoring a sense of trust to both the receiving community and the families themselves that such sites will be actively and positively managed by the Council and that action will be taken where there are significant and consistent breaches of tenancy."

According to the Council:

"[i]t would also assist in supporting vulnerable families themselves on such sites who are anxious to have a secure and safe home for themselves and their children and where they are not in a position to speak up."

The Council states that 'this should assist in managing projects through the system more effectively and reassuringly'.

Fourthly, the Council states that one of the key issues pertaining to the delivery of successful Traveller-specific accommodation units revolves around delivering a suite of 'wrap around' social supports intrinsically linked with the housing accommodation that supports Travellers. The Council states that these services are required:

"to address issues around waste management and disposal; meeting and abiding by tenancy conditions; supports around substance abuse and addiction; addressing health issues, domestic abuse and providing educational supports; parenting support as well as work opportunities".

The Council states that:

"[s]uch supports, if provided, could in effect operate similar to the 'Housing First Model' for people who are homeless".

The Council states that its experience to date is that:

"a significant proportion of the families (but not all) living or seeking to live in Traveller-specific accommodation are extremely vulnerable and the majority of the issues pertaining to sustaining tenancies or progressing new units through the system revolve around this vulnerability".

It argues that:

"[i]f the broader community can be assured that such individuals/families with complex needs were being properly supported, it is likely that there would be a greater level of support for same".

The Council states that capital funding for Traveller accommodation is not the core issue – rather:

"the real issue lies with the funding and resources to support the services required to assist this vulnerable element of the Traveller community to retain and sustain their tenancies".

It argues that this requires a whole of government approach driven from the top to the local level by every relevant agency. It states that where such resources are provided, there also then needs to be:

“a respectful expectation that families will engage openly with these supports”.

The Council concludes that while it accepts that further progress needs to be made to address the accommodation needs of Travellers, it is also mindful that its endeavours over the last number of years have generated positive outcomes and the Council is committed to continuing to work positively and deliberatively with all stakeholders to address the accommodation challenge.

Section 2 Issues arising

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

The Equality Review process

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

TAP 2019 – 2024

The TAP 2019-2024 commits the Council, in conjunction with Tipperary Rural Traveller Project (TTRP), to undertake a survey to identify the key issues/challenges for Traveller households in relation to accommodation. Findings are to inform future objectives and actions.

In order to draft the TAP, the Council states that its Housing Section contacted interested parties such as the HSE, voluntary bodies, State agencies, Traveller support groups as well as placing adverts in local media seeking submissions. Observations were also sought from fora such as the LTACC and the Council's Housing Strategic Policy Committee. The Council states that in addition to the TAP, the Housing Allocation Scheme and Scheme of Letting Priorities is used in the determination of accommodation for all approved applicants, including Travellers.

The Council notes in the Equality Review that the Housing Allocation Scheme and Scheme of Letting Priorities includes a:

“facility to treat as a ‘special condition’ the ability of the Housing Authority to allocate a particular number or proportion of dwellings to members of the Traveller community”.

While noting this ‘has been well used’, no specific data are provided in this regard.

True preferences

The Council does not appear to have a robust system in place to capture and record true Traveller accommodation preferences.

Individual preferences appear to be identified solely on the basis of completed housing application forms. There is no tracking of preferences over time or independent verification of preferences identified. This approach does not capture the preferences of all Travellers who might seek Traveller-specific accommodation and it reflects a limited approach to capturing true preferences.

HAOs and Traveller Liaison Officers meet with the relevant members of the Traveller community to assist in the completion of the relevant application forms, to talk them through its content and explain same and to assess and determine their housing need. However, a process of establishing true preferences outside of this formal procedure might be more effective.

The Equality Review suggests that a strong system of consultation of Traveller representative groups is in place and Travellers who complete social housing application forms are given a range of supports, however, it is not clear how it is ensured that each member of the Traveller community is given the opportunity to directly voice their accommodation preference. Some Travellers, for any number of reasons, may not complete a social housing application form, but may still have an accommodation need.

It is noted that 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.

A survey carried out directly with Travellers in which all accommodation options were explained and participants given the opportunity to set out multiple preferences would ensure the more accurate collection and recording of data of Traveller accommodation

preferences and could serve to address this issue of establishing true preferences in the future. This in turn would create a more solid foundation for future Traveller-specific accommodation policies. The survey that the Council has committed to in relation to Traveller accommodation could serve to address this issue of establishing true preferences in the future.

Travellers in standard accommodation are also provided with support through CLOs, and specific tenancy sustainment services where required. While such support is important, no information is provided on the level of uptake of this support by Travellers, their experience of this support, and the outcomes achieved.

Targets

The Commission notes that the Council has a system in place for regular monitoring of the achievement of the targets set out in its TAP. The Council states that a mid-term review of its TAP is carried out and, in addition, quarterly meetings of the LTACC assess and consider progress on the implementation of the objectives of the programme. The Council's Director of Services with responsibility for housing meets with key staff who deal with Traveller accommodation on a monthly basis to prioritise the delivery of accommodation solutions for members of that community.

In respect of the targets set out in the TAP 2014 to 2018, the Council reports that targets were exceeded in relation to halting site and standard social housing placements. Of a target of 3 halting site placements, 11 were provided and of a target of 48 standard social housing placements, 64 were provided. However, over that period, there was an under-performance in the provision of group housing placements, for which there was a target of 10 and 5 were provided, and in the provision of rural house placements, for which there was a target of 10 placements and 8 were provided.

The current TAP identifies targets for the provision of 90 units. It is not made clear where this target comes from. There is reference in the TAP to the 2018 annual count, which identified a significant number of Traveller families (31) living on unauthorised sites. Alongside this, 179 Traveller families were identified as living in standard housing, 30 Traveller families on halting sites, and 27 Traveller families in group housing. This accounts for 267 Traveller households out of the total reported estimate of 375

Traveller households living in the area. The results of the 2018 annual count, provided by the Council in June 2021, further provide that 49 families were living in private rented accommodation; 27 families were sharing accommodation with other families; and 3 families were living in 'other state supported accommodation', including transitional and emergency accommodation.

The current TAP advises that, of the proposed targets of 90 units, 58 will be provided through standard housing; 15 through group housing; 8 through halting site bays; and 9 through single rural dwellings. It is of concern that the TAP does not provide a breakdown of the proposed target of 58 units of standard housing to specify how many of these units will be through HAP/RAS and how many will be provided through local authority and/or AHB tenancies. No provision appears to be factored into the targets for these families, other than an expectation that their needs will be met through the private rented sector, while their permanent need is being assessed. This approach would appear to hold the potential to build up unmet accommodation need into the future.

Supports in place

The Council reports that it has in place a number of supports to ensure that Travellers have equal access to accommodation services. The Council references one senior social worker and two Traveller Liaison Officers who work closely with the Traveller community to assess accommodation needs and ensure these needs are met. Pre-tenancy training is provided to all families who are appointed to a dwelling and the Traveller Liaison Officers also support and work with the families to access other necessary supports both in the context of their move but also in the context of other well-being supports (health; DSP; education etc.). Post accommodation, support workers continue to liaise closely with the families to ensure that issues pertaining to their accommodation maintenance are addressed along with providing general support. In the context of Traveller-specific accommodation, all tenants have access to maintenance supports and services. Traveller-specific sites are provided with a subsidised waste collection service, which is not available to the Council's tenants generally. Caretakers are employed for some Traveller-specific accommodation and a tendered caretaking and management service is being progressed for further locations.

No information is provided on the level of uptake of these supports by Travellers, their experience of this support, and the outcomes achieved.

The Council notes 'the value' of the caretaking service but does not specify what this value might be.

As referred to above, Travellers in standard accommodation are also provided with support through CLOs (5 in number), and specific tenancy sustainment services where required. As with all applicants, all members of the Traveller community also have access to the Council's homeless services (HAP Place-finder; Homeless Prevention officer; TSS service & Housing First Service supports).

The TAP identifies that Travellers will be encouraged:

"to develop a sense of ownership and where feasible, to actively participate in the site management and tenancy committees".

No further detail is provided on the structures and supports for Traveller tenant participation in estate management or the progress made in relation to this.

The role and composition of the LTACC is outlined in the Equality Review, without details of the Traveller representation or of how it is secured. There is no information provided on the quality of its functioning or input, or on the manner in which representativeness and accountability are achieved by Traveller members. No steps are identified to enable and support effective Traveller participation.

Drawdown of funding

There was an underspend in the category of Traveller-specific capital expenditure in the period from 2015 to 2018 and again in 2019. The Council notes that the data included in the relevant table provided was not inclusive of the number of Traveller families who had been accommodated over the years in standard local authority housing schemes. These figures would be included in the general housing capital and general housing maintenance figures.

The tables provided by the Council for Traveller-specific accommodation capital expenditure over the period 2015-2018 indicate an allocation of €3,559,895 by the

DHPLG with an expenditure of €3,053,367. This expenditure includes for purchase and refurbishment of a number of standard housing units and refurbishment works on Traveller-specific accommodation.

Comparing the total figure drawn down for Traveller-specific capital expenditure from 2015 to 2018 to that drawn down for general housing, the ratio is 3,053,367 : 58,703,752, or 1 : 19. The Council states that the most recent annual count of Traveller families in November 2018 estimated that 375 Traveller Households reside in Tipperary. As referred to above, the Council expected approximately 100 new household formations among the Traveller community over the lifetime of the 2019-2024 TAP. No comparative information was provided in respect of the general population of the Council's functional area and so no meaningful comparison can be drawn in this respect that would help the Council to ensure that there is no less favourable treatment of Travellers in the provision of accommodation.

No draw down or partial draw down was made in respect of a number of Traveller-specific accommodation projects between 2015 and 2018. The Council nevertheless explains that in respect of four projects, the full allocation was drawn down in later years as the projects were completed: the NTL1 Traveller accommodation project for Cabragh Thurles NTCC; the purchase and refurbishment of the Dene Garrenroe; the refurbishment works at 22 Drom na Coille; Nenagh and the purchase and refurbishment works at Monvey, Northfields, Clonmel.

The single project for additional group housing provision at Cabragh identified in the tables provided was allocated funding in 2015 but was still not completed in 2018. The additional information provided by the Council indicates that this was due to an 'issue that arose with the families'. This issue achieved some national prominence and appears to have involved a significant breakdown in relationships between the Council, the Traveller community, and the local settled community. It related to the Traveller tradition of horse ownership. It is not made clear if this dispute was the single cause for the long delay in completing this site or at what point this dispute came to the fore. The additional information provided by the Council indicates that this work is now complete,

but it is not made clear if and how the dispute has been resolved, and if and how any learning has been drawn from the experience.

In respect of three projects, the full allocation was not required in the end: purchase and refurbishment works and Gortnahoe, Thurles; purchase and refurbishment works at Garrancasey, Newcastle; and the refurbishment works on Lake Road halting site, Tipperary Town. It seems that these latter projects were completed but the full allocation was not required to achieve this completion. No information is provided as regards the reasons for this.

While it seems that all allocated sums that were required to achieve the targets of the TAP were in fact drawn down, albeit not in the same year as allocation, the Council sets out steps it had taken to improve its procedures for the drawdown of funds for Traveller-specific accommodation in its letter of clarification of 26 May 2020. An in-house architect and technician were tasked to develop designs in conjunction with Travellers families, the LTACC and Traveller Liaison Officers to develop suitable capital projects to meet the needs of the Traveller community. The capital team is tasked with ensuring that the process is managed in an effective and timely manner. The Director of Services for housing services will arrange monthly meetings to set construction targets and monitor progress on these plans. These targets will form part of the housing sections PMDS team plan. All projects will be brought before the LTACC, housing strategic policy committee and full plenary council for consideration and observations.

Issues facing the Traveller community

The results of the 2018 annual count provide that there was an estimate of 49 families living in private rented accommodation at the time of the count. This figure is broken down as follows: RAS (20); Rent Supplement (8); HAP (8); Long term leasing (12); and own resources (1). The current TAP notes that standard housing and rural housing targets:

“will also be met through the Rental Accommodation Scheme and Lease Arrangements”.

The scale of this is not identified.

The Equality Review notes that the HAP Place Finder staff work with Travellers experiencing difficulties in accessing the private rented sector and have, since 2018, supported five Traveller families in this regard. No explicit reference is made to possible shortages of supply or low standards in this sector, or to the, well-researched, discrimination experienced by Travellers in this sector. No specific steps to address such issues are reported.

Data are not provided by the Council in the Equality Review in relation to Travellers experiencing homelessness. However, it is noted that the 2018 annual count estimated that 31 families were living on unauthorised sites; 27 families were sharing accommodation with others and 3 families were living in 'other state supported accommodation (transitional housing (2); and emergency accommodation (1)).' The Equality Review identifies that Travellers have access to the Council's homeless services and that they '*actively avail* of these. The Council, in the additional information provided, identifies that Homeless Prevention teams have worked with Travellers in finding and sustaining accommodation with wraparound services. The Council notes that these services are not provided to Travellers in halting site or group housing accommodation, and this is a cause for concern. The Council suggests that this significant gap needs to be solved at national level, without providing any explanation for this conclusion or why steps cannot be taken at a local level. No information is provided on the specific experience of homelessness for Travellers or of addressing specific needs that arise for Travellers experiencing homelessness.

The Council makes no reference to the provision of transient sites in the Equality Review. The current TAP suggests that the demand for such sites can only be determined once Travellers that need permanent accommodation have been provided for. It further notes, without additional background information, that the 'numbers and pattern of movement of transient families in recent years' suggest transient sites are not required. No other basis is provided for this conclusion and the tradition of movement in the Traveller community is not addressed.

The Equality Review is silent on the issue of addressing Traveller culture and identity in the provision of accommodation, beyond a focus on accommodation type. This is of

concern in a context of the significant dispute that arose in relation to the Cabragh site around provision for horse ownership.

The current TAP indicates some openness to responding to Traveller culture and identity. In relation to horse ownership, it identifies that the Council:

“where possible will support the work of Tipperary Horse Owners Association”.

More broadly it states that where possible and feasible:

“consideration will be given to supporting Travellers in the pursuit of legitimate economic activities”.

However, no information is provided on any actual steps taken or planned on these issues.

There is no initiative noted in the Equality Review or the TAP, to take account of Traveller culture and identity in the provision of standard housing. While there is reference in the current TAP that support will be given to supporting community-based initiatives to facilitate Travellers and settled people to work together, no particular steps are identified in relation to sustaining integrated intercultural communities on social housing estates.

The Council, in the Equality Review, suggests that:

“there is genuine fear and concern by existing settled residents when proposals for Traveller-specific accommodation are brought forward by the Executive (or indeed when a member of the Traveller community is being housed in a standard local authority house) and that planning and other legal instruments can and are used to block progress”.

The Council observes that from its experience, objections to Traveller-specific accommodation from the settled community arise generally:

“as a result of perceptions of poorly managed sites; overcrowding; anti-social behaviour; criminal behaviour; waste dumping and excessive number of animals being accommodated.”

It further notes that:

“some of this is due to discriminatory perceptions”.

It goes on to identify an imperative to:

“resolve the genuine fears of the receiving community which could go a long way to reducing opposition to such accommodation proposals”.

This valuably recognises the issue of relationships between the Traveller and settled communities and the role this issue plays in progressing Traveller accommodation. It does not, however, reflect an adequate analysis of the need to address discrimination in any response nor is it accompanied by any strategy to further reflect on this issue of relationships and how to enhance these relationships, beyond mention, in the TAP, of proposed support for community-based initiatives to facilitate both communities to work closely together.

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. There is no evidence that the TAP has considered the Public Sector Equality and Human Rights Duty and no evidence of assessment of equality and human rights issues relevant to this function by the Council.

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; and providing data on the number of targets and outputs that relate to HAP/RAS provision, and that relate to Council and AHB tenancies;
- recognising and establishing the practical implications of Traveller ethnicity, ensuring a respect for Traveller culture and identity in the provision of housing and accommodation services to Travellers, and designing models of provision based on this;
- assessing, tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
- planning and providing for new family formations over the life of the TAP;
- 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;
- developing culturally specific responses to the needs of Travellers experiencing homelessness, and in particular ensuring the reach of such services to include Travellers in Traveller-specific accommodation;

- 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;
 - establishing appropriate structures, processes, and supports for Traveller tenant 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;
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP; and
 - researching, designing and pursuing initiatives to strengthen and improve relationships between the Traveller and settled communities.
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. 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.
5. 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.
6. Adopt a broad equality policy incorporating discrimination on all prohibited grounds and all staff should receive training on this policy.

Appendix 1

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

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

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



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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