

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



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

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Glossary

1998 Act: Housing (Traveller Accommodation) Act 1998

2009 Act: Housing (Miscellaneous Provisions) Act 2009

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

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

2014 Act: Irish Human Rights and Equality Act 2014

AHB: Approved Housing Body

AO: Administrative Officer

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

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

CBL: Choice Based Lettings

CDP: Community Development Project

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

CLO: Community Liaison Officer

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

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

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

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

ESA: Equal Status Acts 2000 - 2018

HAP: Housing Assistance Payment

HAO: Housing Assessment Officer

HLO: Housing Liaison Officer

HNA: Housing Needs Assessment

HWO: Housing Welfare Officer

LGMA: Local Government Management Agency

LTACC: Local Traveller Accommodation Consultative Committee

NTACC: National Traveller Accommodation Consultative Committee

RAS: Rental Accommodation Scheme

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

SEO: Senior Executive Officer

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

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SICAP: Social Inclusion and Community Activation Programme

TAER: Traveller Accommodation Expert Review, July 2019

TAO: Traveller Accommodation Officer

TAP: Traveller Accommodation Program

TAU: Traveller Accommodation Unit

TIF: Traveller Inter-agency Forum

TIG: Traveller Inter-agency Group

Introduction

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

In June 2019 the Commission invited Wexford 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 02 September 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 19 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

In preparing its TAP 2019-2024, the Council relied on a number of sources of information. The TAP states that Wexford TIG adopted the 2018 needs analysis of the Traveller community in the county on 16 November 2018, and that the analysis was carried out by a social researcher. It states that the annual estimate of Traveller families, in conjunction with the Council's analysis of the estimate, will also inform revised targets and the reviews of the TAP. It states that four social workers and a HLO are responsible for undertaking the estimate and analysis.

The Council states that it carried out an assessment of accommodation need in December 2018, with an update in February 2019. It is reported that the Council's Social Housing Supports Assessment 2019 regarding Traveller-specific accommodation requested respondents to answer whether Traveller-specific accommodation is required and if yes, to specify group scheme or halting site. The Council states that this statutory assessment of need assessed all applicants seeking assistance with accommodation. The Council notes that the number of approved Traveller families seeking accommodation was 99. Of these, it reports that 95 requested standard social housing and 4 requested Traveller group housing. Further accommodation needs identified by the Council were that 8 families required ground floor accommodation and 1 family was identified with other specific needs. The Council states that while Traveller-specific accommodation will be provided where possible, the main source of accommodation units over the lifetime of the programme will be standard social housing in its current context, which includes RAS, leased accommodation, AHB and also supported private rented accommodation.

The Council estimated a projected growth of 0.5% within the next 5 years (based on census data). It is stated that this will bring the number of Traveller families with accommodation needs to 100 within the lifetime of the TAP 2019-2024.

The Council states that there are a number of families living in social housing tenancies where their current accommodation no longer meets their needs. It states that they have applied for housing transfers to more suitable accommodation. The Council explains that these families will have their ongoing needs addressed as part of the Council's housing allocation and will not be considered as part of the overall accommodation need, as it will not result in a need for additional units of accommodation. In this category, the Council has identified that a further 3 families require halting site accommodation in the New Ross municipal district. It is reported that the Marshmeadow's halting site is in New Ross and currently has vacancies.

The Council states that it has started a process to prepare to tender for a caretaking service on halting sites and group housing schemes.

It is reported that the Wexford LTACC has ten members, which include elected members and Traveller representatives, and it gives advice on the provision and management of accommodation for Travellers. The Council states that membership of the LTACC provides for five Traveller positions, elected members of the Council and Council staff and the aim of the LTACC is to meet on a quarterly basis. The Council states that the existing LTACC was automatically disbanded in May 2019. It is reported that, as of September 2019, the process of establishing a new LTACC was underway and member representatives from the Traveller community would be elected in the near future through the Wexford Public Participation Network (PPN). The Council notes that the PPN, introduced by s. 46 of the Local Government Reform Act 2014, is a network of community and voluntary groups, clubs and organisations working at local level throughout County Wexford. It is stated that Wexford PPN is involved in informing, developing and representing its member groups and is the structure through which the community voice and local expertise can be fed into a number of local decision-making bodies.

In its clarification letter of 19 June 2020, the Council added that from a housing perspective, the LTACC is an important body for maintaining feedback with the Traveller community in relation to accommodation issues. The Council states that Wexford has had strong LTACC participation from members of the Traveller

community over the years, with five seats being occupied at all times. The Council asserts that it is a requirement under the Public Sector Duty that the Council considers how the LTACC is eliminating discrimination in their activities.

The Council states that TIG is facilitated by the community development section of the Council with the support of the DHPLG. It states that TIG members include representatives from the Traveller community and a wide variety of agencies, including Ferns Diocesan Youth Service, Tusla, An Garda Síochána, the DSP, Wexford Local Development, Waterford and Wexford Education and Training Board, the Council and the HSE. The Council states that the information obtained from the 2018 needs analysis of the Traveller community in the county will be used for service planning and future development of the TIG, in order to secure better outcomes for Travellers and improve the use of resources allocated across government departments for Traveller-specific measures.

In terms of supports available for members of the Traveller community to ensure their equal access to accommodation services, the Council states that it employs HLOs who conduct pre-tenancy courses prior to the allocation of all types of accommodation units. This course examines the tenancy agreement, explains the consequences of breaching the terms of same and outlines tenant obligations. The Council states that the HLOs issue a Tenant and Maintenance handbook that sets out the services offered by the Council, The Council states that this course assists in the prevention of anti-social behaviour and breaches of tenancy agreements. Specific pre-tenancy meetings are facilitated and, where required, social workers participate.

The Council states that it encourages tenant participation in the management and maintenance of Traveller-specific accommodation, social housing or in private rented properties. It states that the AHOs meet various residents' associations on site and provide funding for equipment for the upkeep of estates. It states that the HLOs and social workers also facilitate Travellers in ensuring their access to accommodation services. The Council notes that 'the winning tender for the Provision of a Caretaking Service on Halting sites and Group schemes will work closely and report regularly to the HLO's and when relevant will refer to social work'.

The Council states that housing options such as group and standard housing options as well as halting sites, temporary/emergency sites and one-off rural houses are provided by the Council in recognition of Travellers' cultural identity as a minority group. The Council's allocation scheme for social housing sets out the order of priority for the allocations of social housing support and ninth priority is given to members of the Traveller community, who do not come within the first eight categories of priority.

It is reported that there are four dedicated housing teams throughout the county comprising of a social worker, a HLO and an AHO. The Council states that these teams meet weekly and review individual Traveller cases. The Council states that it has a contract with Focus Ireland to provide a tenancy sustainment service for individuals and families. It states that this service is available to assist them to maintain private rented accommodation, local authority accommodation or accommodation provided by the AHBs. The Council states that the housing teams also assist in the development of accommodation strategies, including Traveller accommodation, homelessness, disability and anti-social behaviour, accommodation advice and allocation services within County Wexford and these teams work in partnership with other agencies to secure the best housing outcomes for the Traveller community at all times.

The Council states that local authority social workers provide both housing advice and information and provide targeted social work intervention and support. It states that they also carry out assessments with a view to making recommendations to the Housing Department, which facilitates the matching of resources to the needs of service users, identifying and addressing service users' needs and supporting social inclusion and community development. It is reported that social workers also engage in both case and project based inter-agency work, providing a link between local authorities and external agencies. They also assist with mental health issues, domestic violence, child protection and financial issues. The Council asserts that anti-oppressive and anti-discriminatory practices are modules undertaken in social work training and inform daily delivery of services.

In the event of an emergency or family crisis the Council states that it may provide appropriate emergency accommodation on a short-term basis to meet the needs of

the individual or family concerned. In addition, the Council states that it offers a HAP Place Finder service which will support homeless Travellers in Wexford to find a private rented tenancy using HAP.

B. Comparison of funding to comparator group

In Table 1a of the Equality Review, which relates to capital expenditure for Traveller-specific accommodation from 2015 to 2018, it is reported that the total sum allocated for this period was €1,273,196. It is reported that the total sum drawn down from this was €155,750 and total additional local authority funding over this period came to €103,918.

Table 1b of the Equality Review sets out capital expenditure on Traveller-specific accommodation for 2019. It reports that the total sum allocated by the DHPLG was €335,000. No sums had been drawn down from this as of September of that year.

In respect of annual current expenditure for Traveller-specific accommodation from 2015 to 2018, the Council reports that the total sum allocated from the DHPLG was €218,696. It reports that the total drawdown exceeded this coming to €221,019 and that total additional local authority funding came to €1,461,863.

In respect of capital expenditure for general housing from 2015 to 2018, Table 3 of the Equality Review sets out the total allocation from the DHPLG over this period at €113,963,000. It reports that total draw down from this came to €73,171,000 and that total additional local authority funding amounted to €1,030,000. It is reported that the total sum allocated for revenue expenditure for general housing over this period was €30,457,000 and that total drawdown from this came to the same figure. Total additional local authority funding is reported as having come to €51,059,000.

C. Adequacy of funding

The Council states that, under the previous TAP 2014-2018, 128 families were in need of accommodation supports, with 111 seeking standard housing and 17 others seeking a combination of single instance (1), 'special needs' (10), transfers(3) or halting site (3) accommodation. The Council reports it could only access TAP funding for 13% of these

expressed needs in the first instance. The Council adds that, depending on the family circumstances, TAP may be accessed for one-off housing.

The Council states that standard local authority accommodation remains the preferred accommodation option for households in Wexford. It is envisaged that this need will be met through the housing construction programme. The Council states that it will also strive to accommodate families according to need as casual vacancies become available. The Council states that housing acquisitions will be submitted to the DHPLG under the SHCIP and the capital assistance scheme, as with all social housing acquisitions.

The Council states that the establishment of a group housing scheme in the Wexford municipal district area will be delivered as part of this TAP, to meet the need of the four families identified as part of the assessment of need. The Council reports that in the vast majority of these schemes, no negative issues have arisen. The Council states, however, that the scheme at Marconi Park, Enniscorthy, continues to present challenge for both the Council and the local community.

The Council states that it is cognisant of the expressed wishes of three additional Traveller families to be accommodated in halting site accommodation in New Ross district.

D. Whether all funding allocated drawn down

The Council sets out as follows the reasons as to why funding was not drawn down in respect of each project where this was the case between 2015 and 2019:

- In respect of the proposed purchase of 7 houses in 2015, this did not proceed as on review the proposals did not meet housing needs or economic assessments - in some cases, alternative houses were secured through the standard capital acquisition programme;
- In 2017, the upgrade of the CCTV and heating system in Bunclody halting site was deemed not eligible for Traveller-specific accommodation funding. The single instance ('SI') Castlemoyle, New Ross project only reached Stage 2

approval with the DHPLG in 2017 due to rock on site. The Council reapplied in 2018. In respect of the proposed extension at Lacken, New Ross, this was refused by the tenant at the time, so no application was made to the DHPLG. This was subsequently reconsidered by the tenant and a new application was made in 2019. In respect of proposed replacement mobile homes in Bunclody and Marshmeadows halting sites, non-emergency mobile replacement was not funded by the DHPLG as per Circular 46/2016. This was considered under the Council's own budget. In respect of the proposed extension at Esmonde Road, Enniscorthy, this was refused by the tenant, who instead sought re-housing. No application was made to the DHPLG. The SI Cloonerane (replacement for Radon effected unit) project was cancelled, so no application was made to the DHPLG. Remedial works were undertaken on the existing property *in lieu* of replacement of the unit;

- In 2018, in respect of the SI Ballinaboola, New Ross project, this site was provided by the applicant, however the site boundaries 'on the ground' were different to as mapped. As a result, the site was too small to fit a wastewater treatment system. The applicant was to resolve this with adjacent landowner and was temporarily rehoused by the Council. For the Ballyhine group scheme, the DHPLG sought cost reductions, particularly relating to the high cost of servicing the site, which were uneconomic and prevented the Council proceeding. The adjoining site was to be developed by Tuath Housing. They have agreed in principle to build the TAP unit. Regarding the refurbishment of Marshmeadows halting site (bays 7, 8 & 9), the start-up costs were complete, but Part 8 permission was not passed by the Council and so the project was not proceeding. In respect of the Cloonerane Radon remediation, this scheme continued into 2019. A claim was made to the DHPLG and further information was requested; and
- In 2019, in respect of the SI Ballinaboola, New Ross project, this was a continuation of the 2018 application above. The Council was still awaiting resolution of the boundary issue as of September 2019. Concerning the refurbishment of Marshmeadows halting site (bays 7, 8 & 9), this was a

continuation of the 2018 application above. Additional documentation was required from the Housing Maintenance Unit to claim the full amount. In respect of the extension at Lacken, New Ross and the project at SI Glasganny, approval was received from the DHPLG and this was currently under construction.

The Council states that the provision of Traveller accommodation funding from the DHPLG is a very important resource in helping to provide Traveller-specific accommodation. However, it highlights that, in cases where Travellers express an interest in standard social housing or second hand properties, TAP funding is not available and the Council must access standard capital programmes or existing stock or nomination to an AHB to secure accommodation.

It is the Council's view that, given the profile of demand in County Wexford and the variety of funding sources that are utilised by the Council, there is no immediate impact arising from non-drawdown of Traveller-specific allocated funding alone.

In its letter of clarification dated 19 June 2020, the Council states that it is progressing plans for a group housing scheme in Wexford and this would be eligible for TAP funding. The Council states that such projects take a substantial amount of time to progress and one site had already been rejected, by both the Traveller families concerned and by the Council. It states that this project was due to come before Council again in September/October 2020 with a shortlisting of sites. The Council states that this will be the most significant project under the current TAP.

E. Any further issues of equality of opportunity

The Council states that the TAP 2019-2024 was prepared with regard to the housing strategy contained within the Wexford County Development Plan 2013-2019, which it states was under review as of September 2019. The provision of accommodation for Travellers and the use of particular areas for that purpose in the County Development Plan is as per section 10.2 (i) of the Planning and Development Act 2000.

It is stated that one of the high level goals in the Wexford Local Economic and Community Plan (LECP) is to:

“[s]upport and promote the development of socially inclusive, sustainable communities in County Wexford and ensure that all citizens enjoy optimal health and wellbeing”.

The Council asserts that it will include an equality agenda/action plan into the review of TAP 2019-2024 in Section 2 Policy Framework. An equality agenda/action plan will also be considered for the Scheme of Letting Priorities and in other relevant policies.

The Council states that the Commission, as Ireland’s National Equality Body and under the terms of the 2014 Act, is ideally placed to guide the Council in training as follows:

- To protect and promote human rights and equality;
- To encourage the development of a culture of respect for human rights, equality and intercultural understanding in the state;
- To promote understanding and awareness of the importance of human rights and equality in the state; and
- To work towards the elimination of human rights abuses, discrimination and prohibited conduct.

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

Other than a meeting of the Council to review procedure and practice which, the Council notes, resulted in a determination that the Wexford County Council Allocation Scheme is robust and caters for housing needs for the Traveller community, 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.

Assessment of need and identifying true preferences

From the information provided, the Council does not appear to have in place a robust system for capturing and recording the true accommodation preferences of Travellers. The Council obtains information to determine accommodation needs for its TAP from a number of sources, namely, its annual needs analysis of the Traveller community and its social housing support assessment, in addition to estimating projected growth in accordance with the trends apparent from census data.

It is noted that the Wexford TIG adopted a 2018 Needs Analysis of the Traveller Community in Wexford, undertaken by an independent researcher. This is to be used for service planning and to improve outcomes for Travellers. It is not specified if this encompasses provision of accommodation and what steps are recommended in relation to this area.

It is also noted that four social workers and a HLO are responsible for undertaking the annual estimate of Traveller families. However, this remains snap-shot data of the current accommodation categories of members of the Traveller community.

The composition of the target units, predominantly standard housing, is identified in the Equality Review as reflecting preferred options. No detail is provided in relation to

the identification of preferences, beyond the standard application form. In particular, no detail is provided in relation to tracking preferences over time or independent verification of preferences.

Data from the social housing supports assessment is confined to data from individuals who have made an application for social housing. For a number of reasons, Travellers may not make such an application, while still having accommodation needs.

Furthermore, those who do make an application may indicate a preference for social housing for reasons other than that this is their true preference.

Projected growth is calculated on the basis of census data, according to the Equality Review, predicting a growth of 0.5%, with the target units increased to 100 as a result. This would appear to be an inadequate prediction of growth, without any assessment made of those reaching ages of maturity within the Traveller community and potentially forming new families over the period of the TAP.

Estimating the growth of the Traveller population in future is not a robust means of estimating the accommodation needs of this population in future. Data on the current accommodation categories of Travellers does not necessarily reflect current accommodation preferences and projecting this into the future does not capture changing preferences.

The difficulties with these approaches were identified by the TAER, which found that recording snap-shot or historical data on existing accommodation need 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 Council's approach, to exclude those seeking a transfer from one form of accommodation to another in its assessment of housing need for the reason that 'it will not result in a need for additional units of accommodation', is problematic. If the accommodation suitable to the needs of such a transfer applicant does not currently exist, this may result in a need for additional units of accommodation. Where such transfer applicants are members of the Traveller community, it is important that these needs be recorded in the TAP. In this category, the Council has identified that a further 3 families require halting site accommodation in the New Ross municipal district. The Council also states that vacancies exist in the Marshmeadow's halting site in New Ross. The Council should take further steps to ensure that these vacancies are acceptable to these families before ruling out that the provision of further halting site bays may be required.

Targets in TAP 2014-2018

In analysing its performance over the period 2014 to 2018, the Council found in 2016 an 18.75% decrease in the number of Traveller families in the county. As such, targets for Traveller accommodation were reduced from 128 units to 104 units. No analysis is made of the reasons for or long-term nature of this reduction in the numbers of Travellers.

The Council goes on to report that targets were exceeded over this period with 113 accommodation offers made to Travellers. However, the Council notes in the further information provided, that only 83 Traveller households were actually accommodated in this period. In the Equality Review, the Council reports that not all offers made were accepted 'for various reasons'. In the further information provided the Council clarifies that: in 2014 and 2015, 50% of the offers were rejected; in 2016, 18% were rejected; in 2017, none were rejected; and in 2018, 7% were rejected. No reasons for rejection, and no information on the consequences of rejection, are provided. However, it is of concern that the Traveller population in the county was found to drop significantly in 2016 given the scale of rejections of offers made over the preceding years.

In the further information provided by the Council, it is clarified that the offers related to standard housing, with the original 128 units targeted being made up principally of

standard housing and only 3 halting site bays in terms of Traveller-specific provision. No data are provided on the level of private rented provision, *via* HAP or RAS supports, within this provision of standard housing.

Targets in TAP 2019-2024

The accommodation needs identified for the TAP 2019-2024 appear to be based on successful housing support applications. This does not appear to take into account that Travellers may not make such an application, yet still have accommodation needs.

The current TAP indicates a total target number of 99 units to address identified current need. This target of 99 units involves: 4 group housing units; and 95 standard housing units, encompassing RAS, leased, AHB, and supported private rented units. No breakdown of this standard housing provision is provided in regard to what percentage will be local authority/AHB housing and what percentage will involve RAS/ HAP, or lease provision. It appears that a further three families were subsequently identified as requiring halting site accommodation and that these are to be provided by vacant bays on existing sites.

The target of 99 units to meet current need does not appear to reflect the needs established in the TAP 2019-2024, which identified 52 Traveller families sharing accommodation and 54 Traveller families on unauthorised sites. The TAP merely goes on to note that:

“of the 106 families that are categorised as in need of accommodation, a total of 99 families are requesting accommodation from Wexford County Council”.

Supports and participation

It is noted that the Council seems to have in place a number of supports for Travellers to ensure their equal access to accommodation services. It has an active TIG and an LTACC, which it reports as having strong participation from members of the Traveller community over the years.

The LTACC includes five Traveller representatives among a membership of ten. The Traveller positions are elected through the Wexford PPN. No detail of this process is identified in the Equality Review nor what, if any, process exists to ensure accountability

back to the wider Traveller community. No detail is provided as to what, if any, supports are available to these representatives to enable them to meaningfully and effectively participate.

It employs HLOs who conduct pre-tenancy courses prior to the allocation of all types of accommodation units. The Council reports that it encourages tenant participation in the management and maintenance of Traveller-specific, social housing and private rented accommodation. It refers to AHOs meeting 'various residents associations on site' and providing funding for equipment to maintain the accommodation. No detail is provided as to these associations or if Travellers are included. There would appear to be no provision of supports specifically to enable Traveller tenant participation.

The Council indicates, in the Equality Review, that it has four dedicated housing teams involving a social worker, a HLO and an AHO. These appear to be a general service, but meet weekly to review individual Traveller applications. They also assist in the development of accommodation strategies for Travellers, among other groups. There is no further detail provided, however, 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 outcomes for, and experiences of, Travellers accessing these supports.

The Council reports, in the Equality Review, that it has started a process to tender for a caretaking service for its halting site and group housing units. No information is provided on steps taken to ensure that such a contracted service would be characterised by equality and non-discrimination process and practice.

In the current TAP the Council notes that:

“[f]amilies can only be included in the assessment of need and therefore considered for accommodation if the appropriate application forms are completed and submitted to [the Council]”.

The TAP 2019-2024 goes on to note that:

“[f]amilies will be supported in this process and the onus to complete and submit the appropriate forms is on the applicants themselves”.

In the additional information provided, the Council notes literacy difficulties and misconceptions as potential barriers for Traveller applicants for social housing supports, and that the LTACC and ‘communicating with applicants’ have a role in responding to such barriers.

It is identified in the Equality Review that social workers and AHOs play a role in the application for and assessment of applications for social housing supports. The AHO holds a weekly clinic and meets residents’ associations within this general support. This appears to be a limited response to the barriers facing Travellers in bringing forward their needs and completing the administrative requirements.

The Council states that its social housing Allocation Scheme provides that ninth priority is given to members of the Traveller community, who do not come within the first eight categories of priority.

Draw down and expenditure

There is limited allocation of DHPLG funding for expenditure on Traveller-specific accommodation over the period 2015-2018 reported by the Council.

No such funding was allocated in 2015, €96,000 was allocated in 2016 for a refurbishment project, and only €6,880 was allocated in 2017. Of the €551,770.97 funding allocated in 2018, only €52,869.97 was drawn down, and this was for radon remediation works. A similar situation of no drawdown of such funding is reported for 2019, in relation to the 2018 projects alongside two further projects.

Overall, there was a significant underspend on capital projects for Traveller-specific accommodation from 2015 to 2018. The total sum allocated was €1,273,196, but the total drawn down was €155,750. However the Council spent a total of €103,918 of its own local authority funding in this area. It is also noted that it drew down more than the sum allocated for current expenditure on Traveller accommodation, drawing down €221,019 and added €1,461,863 of its own funds to this.

The total drawn down for capital expenditure on general housing over this period was €73,171,000. Comparing total drawn down for capital expenditure on Traveller-specific accommodation as compared to general housing, the ratio is 155,750 : 73,171,000, or 1 : 470. No information was available in respect of the comparative populations of Travellers as against the general population of Wexford County and so no meaningful comparison can be drawn from this. It is also noted that the Council states that only 13% of the accommodation needs of Travellers come under the category of Traveller-specific accommodation eligible for Traveller-specific accommodation funding.

A number of reasons for the failure to draw down funds were provided by the Council. Broadly, these comprised findings of ineligibility by the DHPLG, a failure on review to meet housing needs or economic assessments, physical difficulties with sites such as the presence of rock or boundary issues, a change of preference by intended tenants, a failure to obtain Part 8 permission and delays in projects beyond the year of allocation of sums. A number of these reasons suggest that insufficient assessment of intended projects is made prior to an initial application for an allocation of funds from the DHPLG.

The Council notes that, in relation to the single group housing scheme planned for the period 2019-2024, the site proposed was rejected by both the families involved and by the Council. It is now proposing a 'shortlisting of sites' to the Council.

The Council states that given the profile of demand in County Wexford and the variety of funding sources that are utilised by the Council, there is no immediate impact arising from non-drawdown of allocated Traveller-specific funding alone.

Private rented sector

In the Equality Review, the Council acknowledges that there are difficulties in the availability of private rented accommodation in the County. There is no reference to the well documented discrimination experienced by Travellers in this sector. No steps are identified to track or address these issues as experienced by Travellers.

Travellers' experience of homelessness

There is no data provided in the Equality Review or the TAP in relation to Traveller homelessness. It is merely identified in both that the Council can provide emergency

accommodation and HAP Place Finder supports to Travellers. No information is provided in relation to the particular experience of Travellers of homelessness or of any specific needs they might have and how these are addressed through these supports.

Traveller culture and ethnicity

The Council recognises Travellers as a minority ethnic group. The Equality Review notes that housing options including group and standard housing, halting sites, temporary or emergency sites and one-off rural housing are provided in recognition of this ethnicity. However, there is no information provided on how this recognition is addressed within the provision of such supports.

No provision is made for transient sites and no process for establishing need in this regard is identified. There is no reference to provision being made for traditional activities of Traveller tenants including such as horse ownership and economic activities. There is no reference to addressing cultural difference in the provision of standard housing, in particular steps to build integrated intercultural communities.

It is noted that the Council intended to establish a group housing scheme in the Wexford municipal district area to meet the need of the four families identified as part of the assessment of need. The Council stated that in the vast majority of these schemes, no negative issues have arisen, however, it identifies, in the Equality Review, issues pertaining on one group housing scheme (Marconi Park) that present challenges for the Council and the local community. No further information is provided on the issues or what, if any steps have been taken to resolve the issues.

Public Sector Equality and Human Rights Duty

In the Equality Review, the Council makes reference to the Public Sector Equality and Human Rights Duty as set out in Section 42 of the 2014 Act. There is a commitment to include an 'Equality Agenda/Action Plan' in the review of the current TAP and to do so for the Scheme of Letting Priorities and other relevant policies. In the further information provided, it is noted that the LTACC will have a role in relation to the Public Sector Duty. No detail is provided on what this might involve, and no reference is made to following the Commission's guidance on the implementation of the duty.

The Council, in the Equality Review, suggests that the Commission is ideally placed to guide the Council in the provision of staff training on equality and human rights.

However, no steps are identified to provide and secure an uptake of such training. In the further information provided, it is merely indicated that such training is ongoing and has a focus on embedding the Public Sector Equality and Human Rights Duty into how services are formed and delivered in order to eliminate discrimination.

It is noted that Traveller accommodation and social inclusion objectives are set out in Wexford's County Development Plan and the Wexford LECP.

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: a breakdown of preferences by accommodation type; and a breakdown of targets and outputs by accommodation type, in particular indicating numbers for LA housing, AHB housing, HAP/RAS, lease provision;
- 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;
- assessing, tracking and independently verifying the preferences of the Traveller community in relation to type of accommodation;
- support and enable Traveller applications for social housing supports and analyse and manage issues of rejection of offers made;
- 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 culturally 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;

- 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 and applying equality and non-discrimination standards for any private contractors involved in the provision of services that relate to the management of Traveller-specific accommodation;
 - 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; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP, on the basis of the guidance provided by the Commission.
2. Establish and implement an ethnicity identifier in data gathering and analysis in relation to the provision of social housing and homelessness services and include all Traveller-specific accommodation options in housing applications (i.e. allow applicants identify themselves as a member of the Traveller community if they wish and for the sole purpose of identifying accommodation needs and include a list of needs/preferences any or all of which may be ticked, including, but not limited to permanent/transient halting site, group housing, outdoor space for dogs/horses and preference to be accommodated close to family members).
 3. Develop a more transparent recording of the methodology of collection and data obtained in the annual count of members of the Traveller community (for example by survey, setting out the steps taken to ensure all members of the Traveller community were reached and including such questions as multiple accommodation preferences and difficulties in accessing such preferences or other accommodation in the past).

4. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns they may have in respect of their accommodation directly. The officer could also assist with online applications where members of the Traveller community have no access to the internet. The officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
5. Engage the services of an appropriate independent body, to draft a report on the reasons why challenges are faced by both the Council and the local community in respect of the group housing scheme in Marconi Park and possible steps that could be taken to address these challenges and to ensure that similar difficulties do not arise in respect of the planned group housing scheme for the Wexford municipal district area. Any such steps taken by the Council should be published.
6. Engage the services of an appropriate independent body, to draft a report on steps that could be taken by the Council to improve its systems for the drawdown of Traveller-specific accommodation funding, to include addressing how projects could be more thoroughly assessed at the outset before an application for allocation is made to the DHPLG and addressing why a number of tenants changed their preferences following such an application being made. 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.

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

Appendix 1

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

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

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



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
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