

An account of the Equality Review carried out by Wicklow 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 Wicklow 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 October 2019. Following consideration of the Council's response, the Commission sought clarifications by letter dated 24 April 2020, which were provided by the Council by letter dated 05 June 2020.

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

It comprises three sections, namely:

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

Section 1 Key areas of interest

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

The Council states that the LTACC has a key role in advising on the TAP, which includes overseeing the assessment of Traveller accommodation needs in terms of accommodation preferences (standard social housing, private rented, Traveller-specific accommodation), the setting of targets and monitoring the achievement of targets. It is stated that the Council also works in partnership with Bray Travellers Community Development Group and Wicklow Travellers Group in conducting the assessment of needs which informs the TAP.

In its letter of clarification of 05 June 2020, the Council states that the LTACC assessment of needs identified that the vast majority of Traveller families are looking for standard housing, not Traveller-specific accommodation. The Council states that it is conscious of not being directive in leading Travellers towards particular choices in accommodation and being sensitive to the need to ensure the protection and continued development of Traveller culture.

The Council states that in the preparation of the TAP extensive consultation is undertaken with families to determine both their current and future housing need. This consultation is led by the social worker of the Council, who the Council believes is best placed to carry out this task by virtue of their established relationship with Traveller families in the county. It is stated that the consultation exercise is carried out through house/halting site visits, roadside visits, and through extensive dialogue with the Traveller group representatives.

The Council's annual social housing needs assessment requires applicants to confirm their housing need as previously set out in their housing application. It is stated that failure to submit a completed return may result in an application for housing support being closed. The Council sets out a number of safeguards built into this process to protect members of the Traveller community. The Council states that, at the time of the housing needs assessment, it is the practice of the social worker to make contact

with Traveller applicants known to them to ensure they make the relevant return to the Housing Department. The Housing Team completing the housing needs assessment will contact the social worker if they are having difficulty contacting a particular Traveller family. The Council states that a procedure has been put in place whereby applications from members of the Traveller community will not be closed without prior consultation with the social worker. The Council states that in cases where applications have been closed by reason of the family not being identified as a member of the Traveller community, the application has been reopened and the years returned to the application. This is facilitated through an appeals procedure. The Council states that if a Traveller family was removed from the list following a housing needs assessment but was included in the annual count in the following years, they are reinstated on the housing list on appeal.

The Council states that this process could benefit from the introduction of a Traveller identifier, with the addition of safeguards against the use of this data for other purposes.

The Council states that the role of the LTACC is to provide a forum where Traveller accommodation issues can be addressed in a timely and coordinated manner and where decisions are reached in as far as possible on the basis of consensus. It is stated that membership of the LTACC consists of Travellers, Traveller development groups, elected members of the Council and Council staff. It is stated that the LTACC meets quarterly at a minimum and that working subgroups may be set up to progress work between the LTACC meetings. The Council states that strong Traveller representation on the LTACC has contributed to the development of a 'robust but positive Traveller input' to the work of the Committee. The Council states that:

"a respectful rapport has emerged between Travellers, elected and administrative Committee members, providing the optimum conditions for a successful implementation of the 2019-2024 TAP".

The Council states that this:

“is paralleled by the broader relationship which the Council maintains with the Traveller organisations in the county”.

The Council states that it maintains a positive ongoing relationship with Bray Travellers Community Development Group and Wicklow Travellers Group, consulting with both organisations both formally, through the LTACC, and informally, in order to keep abreast of Traveller concerns and to inform these Traveller organisations of progress on matters coming within the remit of the Council. Instances of this include site management, refurbishment and future developments that may impinge on Travellers, for example roads infrastructure.

In order to ensure that the accommodation site and its surrounding area are maintained in good condition and that Traveller families integrate with, and benefit from, a wider community interface, the Council states that it is important that satisfactory arrangements are put in place for the management and maintenance of Traveller accommodation. The Council states that in this regard there are two full-time caretakers appointed to manage and maintain the existing group schemes and halting sites in the county. The Council states that rents charged for bays are fixed at a nominal rate of €27 per week plus €10 for refuse collection charges and that rents charged for the provision of group housing are calculated in accordance with the Differential Rent Scheme. The Council states that appeals on hardship grounds are facilitated through the rent appeals process and generally on the recommendation of the social worker. The Council states that the Caravan Loan Scheme is open to tenants living on halting sites to access good quality mobile homes with good fire safety features and adequate thermal properties. The Council states that, as of October 2019, over 65 caravans have been provided under this scheme.

The Council provides that:

“the nomadic tradition of Travellers is accommodated in the regulation of tenancies/agreements whereby Travellers may leave their accommodation for a period of 6 weeks for the purposes of travelling”.

The Council reports that in practice the number of families availing of this option is small. The Council states that:

“the provision of transient sites is another mechanism which would accommodate nomadism, however the LTACC has agreed that the provision of transient sites is not a priority of the 2019-2024 TAP, given the current accommodation challenges”.

The Council states that it provides a number of supports to members of the Traveller community to ensure their equal access to social housing support. It is stated that a social worker specifically dedicated to Traveller families is in place to assist applicants complete and update their social housing application form and to discuss their accommodation needs. It is further stated that advice and support are provided to ‘roadside families’ by the social worker to access alternative supports such as homeless/emergency accommodation.

The Council states that, in line with its allocations policy, standard housing allocations are primarily made on the basis of length of time on the list. The Council states that allocation of standard housing to Travellers is made in accordance with this policy, however Traveller applicants may also be prioritised on the basis of medical need, displacement or homelessness and particularly as per the quota of 1:16 under the TAP. The Council states that it facilitates transfer requests from members of the Traveller community both to and from Traveller-specific accommodation and standard housing subject to the general requirements of transfers.

In addition, the Council states that other supports are provided by key Council staff, including the Applications Team, the Allocation Team, the HAP team, the Tenant Liaison Officer, the Homeless Team and the Maintenance/Operations team to ensure the delivery of best quality accommodation and services for Travellers. The Council states that the operation and maintenance of Traveller accommodation is led by the Senior Engineer and managed by the Clerk of Works/Supervisor and two full time caretakers.

B. Comparison of funding to comparator group

The Council reports that in respect of capital expenditure for Traveller-specific accommodation from 2015 to 2018, total allocation from the DHPLG came to

€311,173. It reports that total drawdown over this period amounted to €160,447¹ and total additional local authority funding came to €59,301. The Council reports that in 2019, total allocation was €84,553, but no funds had yet been drawn down from this.

In respect of revenue expenditure for Traveller-specific accommodation from 2015 to 2018, the Council reports that total allocation was €645,134 and that all of this sum was drawn down by the Council. It is stated that additional local authority funding came to €48,976.

In a clarification letter of 05 June 2020, the Council sets out its expenditure for general housing over the period 2015 to 2018. The Council states that the total draw down over this period came to €21,264,379. The Council states that it was not possible to provide a figure on capital expenditure for general housing by way of 'amount requested' but advised that the total budget/allocation for the general/standard housing schemes was €146,108,168. The Council states that most of the building work commenced in 2018 with a significant increase in expenditure in 2018. The Council states that funding is drawn down once the expense is incurred.

C. Adequacy of funding

Under the Council's TAP, there is a minimum quota for allocation of 1:16 standard housing being allocated to Traveller families where a scheme of 16 or more units is being developed. This also applies to AHB provision. The Council states that whilst this is a minimum, the reality is that in many cases, Traveller families will also be in line for allocation on the basis of their time on the list and points awarded under the Scheme of Letting Priorities and more than one family may be allocated within the 16 unit parameter.

The Council states that levels of need have increased over many years as a result of disparity between demand and supply arising from the housing crisis. It states that this

¹ This figure comprises the sum of the amounts provided by the Council in Table 1a of the Equality Review: Annual Capital Expenditure – Traveller Accommodation 2015-2018 under the heading 'Drawdown from Dept', together with the sum of €19,393 drawn down in 2018 in relation to Extension Bay 1, Ballintreskin. The drawdown of €19,393 was not included separately under 2018 entries but was noted by the Council in the comments section of Table 1a. The Council's summary table listing drawdown for capital projects from 2014 to 27 September 2019 also refers to the total amount for this project as having been drawn down.

has particularly impacted on Travellers in or seeking HAP accommodation. The Council states that as a result, a number of families have taken up unauthorised space in existing halting sites. The Council states that the long-standing practice of the Council in relation to privately rented accommodation, where the rental has ceased by reason of the house being for sale, has been to buy the property and retain the family in the home. However, it states that current levels of demand and supply place limits on this practice.

The Council's review states that the impact of the lack of supply of social housing during the economic crisis had a significant impact in Wicklow and highlights that it was acknowledged in the 2014-2018 TAP that:

“...no largescale social housing construction projects were planned for the 2014-2018 period.”

The review reports, however, that:

“[d]espite this the Council did succeed in providing 27 units of standard housing accommodation during the lifetime of the 2014-2018 TAP”.

The Council states that the current housing capital programme is well underway and, as of October 2019, 20 of the households identified in the TAP will have been accommodated. The Council states that the 2019-2024 TAP will deliver a minimum of 4 units of Traveller-specific accommodation as well as refurbishing and extending other Traveller-specific units in the county. The Council states that this means that delivering on the units identified in the needs assessment:

“will to a significant extent fall on standard housing provision, which is coming on stream, unless additional Traveller-specific accommodation is sought in a revised TAP”.

In its letter of clarification of 05 June 2020, the Council states that:

“25 families were housed in 2019, which represented 9% of all allocations - a significantly positive outcome given that the total number of Travellers identified in the assessment of need in 2019 was 54 i.e 1.2% of overall numbers on the housing list in Co. Wicklow received 9% of all houses allocated”.

D. Whether all funding allocated drawn down

The Council states that drawdown is not an issue. It states that drawdown requests are submitted in accordance with the priorities identified in the TAP and as accommodation issues may arise outside of those identified in the TAP.

The Council states that spend on Traveller accommodation related matters exceeds allocations under the Traveller accommodation budget from the DHPLG.

The Council reports that in 2015, in respect of the Rocky Valley extension, the original approved budget was €46,395 but the budget was subsequently revised with a final budget approved of €59,588. The Council reports that it has drawn down the full allocation of €59,588 (€27,891 in 2015 and €31,697 in 2017).

The Council reports that in respect of the extension of Bay 1, Ballintесkin, the original approved budget was €86,431 (2014). The Council states that it requested a final account figure of €107,980, however this was capped at a final budget of €86,431. The Council states that it drew down the full budget allocation of €86,431 (€67,037.86 in 2014 and €19,393 in 2018).

The Council states that, in 2017, the Blackberry Lane, Delgany project was an emergency provision so there was no original allocation. The Council states that the funds were claimed after the works were carried out to house the family in that emergency case.

The Council states that, in 2018, the project to provide welfare facilities in Ballintесkin did not commence, as it coincided with a proposal for three houses. The Council reports that provision of the latter was brought to Part 8 planning stage, but work was suspended pending the outcome of a legal challenge. The Council states that it is also now proposing changing the existing bays to houses and that this project will be progressed during the lifetime of the 2019-2024 TAP, subject to funding.

The Council states that the redevelopment of Half Moon Windgates, Greystones was underway, but that unavoidable delays due to land ownership issues have resulted in a delay in the provision of electricity by ESB Networks to the site. The Council states that

it intends to resolve the matter by progressing to compulsory purchase order, and that this was being prepared as of October 2019. The Council states that it intends to draw down the full budget.

The Council states that it planned to redevelop Silverbridge halting site, Bray to provide 3 houses. It states that it has long been an objective within the TAP to carry out a major refurbishment and upgrade of Silverbridge halting site. The Council states that a preliminary submission for funding for both the refurbishment and pedestrian access route was made to the DHPLG in 2013. It reports that Stage 2 approval was received in the amount of €584,477 in April 2018, when the scheme progressed to planning stage. However, the Council states that due to the proposed N11 upgrade by Transportation Infrastructure Ireland, the scheme has had to be deferred pending the outcome of this. The Council states that the halting site has been fully refurbished in the interim period and allocated to four new tenants. The Council states that it is intended to refurbish the caretaker's unit on the site to provide another unit for a fifth family.

The Council states that a new group housing scheme proposed for Rathdrum and identified for a particular group of Traveller families is contained within the 2019-2024 TAP and that this will be progressed from design stage when an application for funding is made.

The Council states that the LTACC has mechanisms in place of a mid-programme review and an end of year report, to monitor the achievement of TAP targets. It states that:

"Traveller participation on the LTACC contributes to ensuring a robust interrogation of progress on the TAP's objectives".

The Council states that local authorities are required to pass a Part 8 application by a motion of elected councillors in order to approve Traveller accommodation projects and it states that its elected councillors have been very supportive of the LTACC recommendations.

In its letter of clarification of 05 June 2020, the Council states that a Senior Team, comprising the Housing Finance Team, with the assistance of the Senior Executive

Officer, the Senior Engineer and the Traveller Liaison Social Worker, are actively engaged in monitoring and reviewing allocations and drawdowns. The Council states that these are reported to the LTACC under capital schemes, a standing item on the LTACC agenda.

E. Any further issues of equality of opportunity

The Council states that 'the recognition of difference, in terms of Traveller identity and culture is fully accepted and reflected in the policy and procedures of Council staff and made visible in the representation and the processes of the LTACC'. The Council states that this is formally reflected in the policy statement of the Wicklow TAP, where it states:

"Wicklow County Council recognises Travellers' identity as an indigenous minority ethnic group and strives to accommodate Travellers in a culturally appropriate way".

The Council advised that it is updating its Corporate Plan, which it states will include a commitment to the implementation of the Public Sector Duty, and will place focus on cross-cutting issues within the Corporate Plan objectives to take account of issues such as social inclusion, equality, human rights, climate change mitigation, sustainable development, disability and migrant integration.

The Council makes the following recommendations in its review:

- It is recommended that the allocation quota of 1:16 for Travellers be stated in the Council Scheme of Letting Priorities, to reflect the practice that Travellers are prioritised for such housing by virtue of being members of the Traveller community in addition to qualifying through the general allocations criteria;
- Consideration should be given at national level to the fact that Travellers are increasingly favouring standard housing, which has implications for the affirmative action inherent in the 1998 Act. Some local authorities are in practice affording Travellers a priority status but not codifying this in their allocations scheme;

- It was agreed by the LTACC that the provision of a transient site for Travellers is not a priority in the current TAP, and the priority of the Council is to meet the needs of families seeking permanent accommodation before meeting the seasonal/transitional needs of Travellers. However, it is recommended that the provision of a transient site be considered on a regional basis, as such a project could only be justified, in terms of cost and management, if developed in collaboration with a number of adjacent local authorities. The only regional structure relating to the role of local authorities is the Eastern and Midlands Assembly. Regional assemblies were created under the Local Government (Reform) Act 2014. Although regional assemblies have no assigned implementation role, they do have a range of powers in relation to spatial planning and economic development. It is recommended that Government give consideration to examining this matter in light of the recommendations of the TAER 2019 that regional assemblies be given a formal role in advising on, coordinating and monitoring of the local level delivery of Traveller accommodation at regional level;
- It is recommended that the DHPLG reconsider the existing caravan scheme, which according to a 2017 Housing Agency report, is implemented by 12 local authorities. The contribution of the scheme is minimal compared with the cost of acquiring a caravan or mobile home (€30k) with reasonable thermal qualities and fire safety standards. Borrowing the additional amount imposes a significant burden on the family, made even worse by the short life of the caravan. Providing a residential standard mobile home carries a cost of *circa* €60k according to a recent study by National Traveller MABS. Modular homes, with a similar €60k cost and a 60 year lifespan may be a better option but are not covered by the existing funding line²; and
- It is recommended that consideration be given to the adoption of a Traveller identifier to assist the social housing assessment and perhaps other areas

² Review of the scheme of loans for the purchase of caravans by Travellers: The Housing Agency 2017. A small-scale study into the cost of mobile homes/trailers for the purposes of social housing for Travellers: National Traveller MABS 2018

where such an identifier would be useful, including determining Traveller members requesting homeless services. This would need to be accompanied by safeguards to ensure the integrity of the data system as well as personal safeguards.

Section 2 Issues arising

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

The process of completing the Equality Review

The Council's Equality Review was prepared by an independent consultant.

Capturing accommodation need and true preferences

The Council does not seem to have in place a robust system for capturing and recording true Traveller preferences for accommodation.

The Council identifies, in the additional information provided to the Commission that:

“the vast majority of Traveller families are looking for standard housing”.

It notes, in the Equality Review, ‘extensive’ consultation with Traveller families to determine their current and future housing needs in preparing the TAP 2019-2024, led by the Council social worker and involving on-site visits. It further notes engagement with Traveller organisations and with the LTACC in the assessment of needs. However, no detail is provided in relation to this latter engagement and it is not clear that it involves any independent verification of preferences.

To ground public confidence in the choices made by the Council in terms of the targets set in its TAP, data on accommodation preferences should be gathered and recorded in a systematic fashion. 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.

Safeguards in the housing support application process

The Commission notes that the Council had a number of safeguards built into the social housing needs assessment process to protect members of the Traveller community.

The Council reports significant efforts to support Traveller applicants maintain their housing support applications open through contact by the social worker to ensure they make relevant returns, liaison between the housing team and the social worker where difficulties emerge in contacting a Traveller family, and prior consultation with the social worker before closing any application from a Traveller family. The Council notes that this process could benefit from the introduction of a Traveller identifier.

The Commission notes that the Council has a number of supports in place to ensure access to accommodation services for Travellers. These include a Senior Engineer, Clerk of Works and two full-time Caretakers appointed to manage and maintain the existing group schemes and halting sites in the county, rents charged in accordance with the differential rent scheme, a caravan loan scheme, a social worker specifically dedicated to Traveller families, services provided by the Applications Team, the Allocation Team, the HAP Team, the Tenant Liaison Officer and the Homeless Team.

Traveller tenant participation

In the Equality Review, the Council emphasises the need for management and maintenance arrangements to 'ensure that the accommodation site and its surrounding area are maintained in good condition and that Traveller families integrate with and benefit from a wider community interface'. However, while the action reported on this references the appointment of two full-time caretakers to manage and maintain Traveller-specific sites, no mention is given to supporting and enabling Traveller tenant participation.

Caravan Loan Scheme

The Council reports, in the Equality Review, that it operates the Caravan Loan Scheme, with over 65 caravans provided over an unspecified period. The Council further recommends that the DHPLG would review the adequacy of this scheme as its

contribution is minimal compared to the cost of a caravan that meets the residential standards required, suggesting that funding modular homes might be a better option.

Traveller ethnicity and culture

The Council is explicit in its recognition of Travellers as an 'indigenous minority ethnic group' and states that it:

“strives to accommodate Travellers in a culturally appropriate way”.

It responds to the 'nomadic tradition' of Travellers by enabling them to leave their accommodation for a period of 6 weeks for the purposes of travelling. While this is positive, no provision is made for transient sites. There is no reference made to what, if any, provision the Council makes, in its accommodation models, in relation to the other traditions within Traveller culture, specifically in relation to horse ownership and economic activities.

The need for provision of transient sites was raised by Bray Travellers Community Development Group and Wicklow Travellers Group in their submission on the 2019-2024 TAP. The reply from the Council, noted in the TAP, was that the LTACC, on which these Traveller organisations sit, had 'agreed that the provision of transient sites is not a priority'. The Council does, however, note in the Equality Review that provision of a transient site could be considered on a regional basis in collaboration with a number adjacent local authorities, and recommends that government should consider this matter on the basis of the TAER 2019 recommendation that regional assemblies be given a role in relation to Traveller accommodation.

Further, there is no reference made by the Council to specific needs that might arise for Travellers, as a minority ethnic group, in accessing standard housing or how these might be met, in particular there is no reference to supports to sustain integrated intercultural communities on social housing estates.

While the Council sets out the role of a Council Social Worker, dedicated specifically to Traveller families in supporting their housing needs, there is no information provided on Travellers' engagement with or experience of this support or on the outcomes achieved through this support.

Engagement and consultation with the Traveller community

The Council identifies the importance of maintaining positive ongoing relationship with local Traveller organisations, Bray Travellers Community Development Group and Wicklow Travellers Group. The Council reports consulting with both organisations both formally, through the LTACC, and informally, and working in partnership with both organisations in conducting the assessment of needs for the TAP. The Council notes that:

“Traveller participation on the LTACC, both organisationally through Bray Travellers Community Development and Wicklow Traveller Action and through individual membership of the Committee, has been influential in the discussion and outcomes of the LTACC”.

However, this is not reflected in the LTACC decision in relation to transient sites. No steps are reported to enable and empower the effectiveness of this Traveller representation or what, if any, process is in place to ensure accountability back to the wider Traveller community. Neither the Equality Review nor the TAP indicate the number of Traveller representatives currently participating on the LTACC.³

The Commission notes the comments in the review that elected councillors were generally very supportive of the LTACC recommendations in the context of Part 8 planning approval.

Prioritisation of Travellers

Under the TAP, there is a minimum quota for 1 in 16 standard housing units being allocated to Traveller families where a scheme of 16 or more units is being developed. This also applies to AHB provision.

TAP 2014 – 2018

The TAP 2014-2018 targets were based on an identified demand/need for 80 units: 69 standard housing units and 11 Traveller-specific units. The targets set on foot of this were: 4 group housing units on or beside a halting site, 4 units to be refurbished, and 5

³ The Equality Review refers to an Appendix 1 with details of the membership, however, this is not contained in the report.

units on temporary halting sites. The TAP 2019-2024 identifies that at the end of the 2014-2018 Programme, a total of 32 units of accommodation were delivered, all of which relate to standard housing (27 by Wicklow County Council and 5 by Bray Municipal District). No outputs of Traveller-specific accommodation were achieved for this TAP. This significant under-performance in the provision of Traveller-specific units could have influenced stated preferences under the current TAP.

Current commitments and actual need

The most recent annual count identifies 19 families sharing housing, 12 families sharing bays, 19 families on unauthorised sites, 1 family in emergency accommodation, and 8 families on basic serviced sites, giving a total of 59 families in apparent immediate need. A further 30 families are in private rented accommodation and no information is provided as to their situation and experience, though this number could include additional need.

The TAP 2019-2024 identifies a demand for 80 units: 59 standard housing units and 21 Traveller-specific units. It goes on to state that the figure of 80 families includes:

“applicants who are in private rented with social housing supports and their current housing need is deemed to have been met”.

This is of concern, in failing to address situations of precarity that these families might be encountering.

In relation to addressing a demand identified for 21 Traveller-specific units, the Council identifies in the Equality Review that the TAP 2019-2024:

“will deliver a minimum of 4 units of Traveller-specific accommodation as well as refurbishing and extending other Traveller-specific units”.

The TAP itself identifies targets to deliver 4 new group housing units, 12 units to be redeveloped, non-quantified units on two temporary sites to be improved, and non-quantified new group housing units where land is available. This would appear to leave significant unmet demand for Traveller-specific accommodation.

There is some confusion in relation to these targets, in that the Equality Review refers to a new group housing scheme proposed for Rathdrum over the period of the current TAP (which is not referenced in the TAP); and in the additional information provided, the Council makes reference to designs that:

“have been drawn up for a further two Group Housing schemes”.

In relation to addressing the demand identified for 59 standard housing units, there does not appear to be any clear target established for the provision of standard housing, or, within that, in relation to the private rented sector provision for the period of the TAP. In the Equality Review, the Council identifies that 17 standard housing units will be provided alongside three halting site bays in 2019 alone. It is of concern that it further notes that:

“four offers of standard housing pending completion of a Group Scheme were refused”.

No reason for these refusals, and no identification of the consequences of such refusals, are provided.

In the additional information provided, the Council appears to identify that 54 Traveller families are identified as the target for the provision of standard housing units. The Council reports, in this additional information, that 25 families were housed in 2019, representing 9% of all houses allocated. It further predicted that by end of May 2020 a further 21 families would be allocated standard housing. These figures reflect significant progress, however the Council does not indicate what portion of these outputs refer to local authority tenancies and to HAP/RAS private sector accommodation, which is a concern.

The private rented sector

The TAP 2019-2024 identifies that the 2018 annual count found that the number of Traveller households in private rented accommodation had decreased and the numbers living on the roadside, sharing, or in emergency accommodation had increased. It points to a lack of supply as being at issue. No mention is made of the well-documented discrimination that Travellers experience in this sector. No steps are made to track the

experiences or respond to the needs of Travellers in this sector. This is of particular concern given that Travellers in this sector were not considered for inclusion in the TAP targets.

Travellers' experience of homelessness

While there is reference to an increase in Travellers in emergency accommodation, no data are provided in relation to Travellers experiencing homelessness. There is no information provided on their particular experience of homelessness or whether any steps are taken to respond to their specific needs in this regard.

Draw down and spending

There was an underspend on capital Traveller accommodation projects over the period of 2015 to 2018, the amount allocated being €311,173 and the amount drawn down amounting to €160,447. It is noted however that the Council spent €59,301 in additional local authority funding in this category. The Council also drew down €645,134 for revenue expenditure on Traveller specific-accommodation over this period and spent €48,976 in additional local authority funding on such revenue expenditure.

Comparing drawdown for capital expenditure over this period between that for Traveller-specific accommodation and that for general housing, the ratio was 160,447: 21,264,379 or 1 : 133. No figures were available in respect of the comparative populations of the Traveller community as against the general population of the Council's functional area and so no meaningful comparison could be drawn from this.

The tables provided by the Council in its Equality Review are difficult to follow in that delays over a number of years in realising capital expenditure are difficult to track across the different projects, as financial allocations are recorded more than once. An overview table provided for the period 2014-2019, suggests an underspend of €184,275.05, with an allocation of €599,684.00 for that period and a drawdown by the Council of €415,408.95.

The Council provides various reasons for delays in the drawdown of funding and for this underspend: issues with title and land ownership issues; site location with a deferral required due to the proposed upgrade of the N11; and an unspecified legal challenge.

The Council describes the system in place for monitoring the progress of Traveller-specific projects: a Senior Team, comprising the Housing Finance Team, with the assistance of the Senior Executive Officer, the Senior Engineer and the Traveller Liaison social worker, are reported to be actively engaged in monitoring and reviewing allocations and drawdowns. These are reported to the LTACC under capital schemes, a standing item on the LTACC agenda.

The Public Sector Equality and Human Rights Duty

The Council reports that its Corporate Plan, that was being updated as of October 2019, would include a commitment to implement the Public Sector Equality and Human Rights Duty, with equality and human rights becoming, among a range of other issues, cross-cutting within the plan. The Corporate Plan, as adopted at the end of 2019, commits to assessing, identifying, and having regard to the equality and human rights issues relevant to the Council's functions in preparing strategic plans. This commitment was made after adoption of the TAP and no specific steps are noted in the TAP in relation to implementation of the Public Sector Duty.

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 Traveller accommodation needs and preferences in the administrative area both current and projected; giving clarity to targets generally; 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;
- tracking over time 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 Traveller 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; and
 - implementing the Public Sector Equality and Human Rights Duty in the next review of the TAP.
2. Address the recommendation in the Council's Equality Review on addressing explicitly the minimum allocation quota of 1:16 for Travellers in the Wicklow County Council Scheme of Letting Priorities.
 3. 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).
 4. 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).

5. Consider the possibility of employing a Traveller Liaison Officer, who should have a drop-in or phone clinic by which members of the Traveller community can voice any concerns 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 Traveller Liaison Officer should have regular meetings with members of the Council mandated with housing issues to ensure regular feedback on accommodation issues raised by members of the Traveller community.
6. 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.
7. 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.
8. In addition to the Council's clear and positive equality statements, 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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