

Irish Traveller Movement Submission on Traveller Accommodation Programmes Midterm Review

The Housing (Traveller Accommodation) Act, 1998, obliges each local authority, following a consultative process, to prepare, adopt and implement a five-year plan for the provision of accommodation for Travellers in their functional areas, a Traveller Accommodation Programme (TAP). It sets out the requirement for the Programme to be reviewed at least every three years, and the potential for the Programmes' review and subsequent amendment. As per previous circulars on the midterm review the circular issued should clearly outline the process for reviewing amending the Traveller Accommodation Programme.

We recommend that all Traveller Accommodation Programmes which do not fully identify the prescribed data sets, targets and narrative outlined below should now be amended.

Summary of Requirements for the Traveller Accommodation Programmes Provided in the DHLGH Guidelines for the Preparation, Adoption and Implementation of Local Authority Traveller Accommodation Programmes 2019-2024

- Under section 6(1) of the 1998 Act, the Minister directed that relevant housing authorities for the purposes of preparing a Traveller Accommodation Programme in the functional area concerned, make an assessment of the accommodation needs of Travellers who are assessed under S.20 of the Housing (Miscellaneous Provisions) Act 2009 as being qualified for social housing support, including the need for sites.
- The Minister has given a direction under section 6(5) of the 1998 Act, specifying that relevant housing authorities shall make an estimate of the **projected accommodation needs** of Traveller families arising during the duration of the programme (1 July 2019 to 30 June 2024).” (p10). -
- Under section 10(2)(b) of the Act the Minister directed that the information in relation to the needs to be met by the programmes shall be **in summary form but in sufficient detail to show the needs for all categories of Traveller accommodation** and the general area in which the accommodation is required.”

- The Minister has directed under section 10(2) of the 1998 Act that **annual targets** be included in the programmes in respect of the implementation of the programmes.

The targets should include **details of the numbers of units of accommodation proposed to be delivered for each of the five years of the programme** for Traveller specific accommodation (group housing, bays on halting sites, including transient sites) both new and refurbished and for standard housing.”

(DHLGH Guidelines for the Preparation, Adoption and Implementation of Local Authority Traveller Accommodation Programmes)

In summary, each Traveller Accommodation Programme should enumerate in standardised tabular form:

- **Current need total and how it was assessed**
- **Current need by accommodation type; Traveller specific accommodation, group housing schemes, transient sites, halting sites, HAP/RAS, standard social housing, Approved Housing Bodies, single instance/one off rural housing**
- **‘Future’ or ‘projected’ need over the lifespan of the programme with indication of how this figure was arrived at**
- **Unit targets by accommodation type per year**

Methodology for each figure should be clearly stated with a clear indication in each instance if the number of family units or households or number of individuals is being referenced.

It should be clearly noted if it is a refurbishment or a new build that has been planned or delivered.

The midterm review should therefore detail all the information above, with numerical updates under each category, broken down by year and include narrative where projects are delayed or changed.

Checklist Question

Has all the above information been submitted?

ITM's 2020 analysis of the 31 local authority TAPS shows that currently:

- 22 authorities plan to deliver on targets for families currently in need, while
- 8 local authorities have set targets lower than their assessed current need
- 5 local authorities didn't provide targets for projected needs of Traveller families in the Programme
- 3 Local authorities have not provided information on delivery targets for this TAP or targets achieved in the last TAP period
- There are widespread inconsistencies in how the data is presented and calculated

Future and Projected Need over the 5 year Traveller Accommodation Programme

The Guidelines clearly reiterate that:

*Housing authorities are required to identify the accommodation needs of Traveller families to be met under the new programmes. This must relate to the **existing accommodation needs and the projected need that will arise during the period of the programmes** across a range of accommodation options (emphasis added).*

Checklist Questions

How was the future or projected need ascertained in the Traveller Accommodation Programme?

Is the projected need included in the target total?

Case Study: Wexford County Council

The 2019-2024 TAP says: “An assessment of housing need was carried out in December 2018 and updated in February 2019 **which identified 99 families in need of accommodation**. Four families expressed an interest in Traveller Group Housing in the Wexford Municipal District Area and the other ninety five chose social housing. **It’s estimated that the projected growth within the next 5 years of 0.5% (based on Census data) Wexford County Council (WCC) will endeavour to provide 100 accommodation units** within the lifetime of the Traveller Accommodation Programme 2019-2024.” (TAP, p.4). Given there are 1508 Travellers in Wexford according to the last census, a large percentage who are under 25 (60% approx), this does not appear to be an accurate methodology for ascertaining future need over a five year period.

Consultation

It is imperative that the TAPs are prepared and reviewed with adequate consultation and oversight. Circular 35/2018 stated

“It is essential that Traveller Accommodation Programmes are prepared in a consultative manner. The Act requires that housing authorities consult with adjoining housing authorities, the HSE, approved housing bodies, the Local Traveller Consultative Committee, other local Traveller representative groups, community and interest groups and the public in general.

The purpose of broad consultation ensures that the interests of all concerned with or affected by proposals for Traveller accommodation are considered and to facilitate a planned and comprehensive response by housing authorities to the accommodation needs of Travellers and

Sections 21 and 22 of the Act provide that LTACCs must be in place to facilitate consultation between housing authorities and Travellers and to advise on any aspect of accommodation for Travellers. Local authorities are required to appoint such committees for the purposes set out in subsections (1) to (4) of section 21 of the Act. (DHLGH Guidelines)

The LTACC should be central to the midterm review process, and the finalised review figures should be signed off by the LTACC and also presented to the local Housing Strategic Planning Committee.

The midterm review could also survey how many times the LTACC has met over the course of the TAP thus far.

The results of the midterm review should be published on the DHLGH's website.

Checklist Questions

- Was the original Traveller Accommodation Programme drawn up in partnership with the Local Traveller Accommodation Consultative Committee? (LTACC) Did the LTACC sign off on the TAP?
- Is there a strategy agreed with the LTACC on how the midterm review will be conducted and signed off on?
- Has the local Traveller organisation and other key stakeholders been consulted on the process of the midterm review?
- Is the midterm review an agenda item for the Housing SPC?

Traveller Specific Accommodation

Office of the Planning Regulator: Best Practice for Traveller Specific Accommodation: Identification and Mapping of Site Locations

The Office of the Planning Regulator in their Case Study paper *Traveller Accommodation and the Local Authority Development Plan* (2021) identified that just five local authorities included mapping of existing and proposed/indicative Traveller accommodation sites within their TAPs. As best practice identified by the OPR, this should be adopted across all 31 Traveller Accommodation Programmes and these sites reflected in the Local Authority Development Plan.

This report also further highlighted the need for Local Authorities, in planning for Traveller accommodation to:

- Provide recognition of the cultural requirements of members of the Travelling community in regards to accommodation.
- Prioritise community integration, access to services and supporting cultural infrastructure associated with Traveller culture

In relation to Traveller-specific accommodation (group housing schemes, halting sites and transient sites) developments planned the following should be identified:

- Timeline
- Number of units
- Site for development should be identified and mapped
- Indicative budget requirements

Checklist Question

- Are the sites for Traveller specific accommodation clearly zoned and mapped in both the Traveller Accommodation Programme and the Development Plan?

Transient Sites

The planning and provision of transient sites is also provided for under the Traveller Accommodation Act 1998. In making an assessment for the TAP, a housing authority is required to have regard to the need for transient sites (DHLGH Guidelines, and Circular 35/2018)

Checklist Questions

- What evidence base and survey methodology was used to assess the need for a transient site in the Local Authority area and what were the results?
- Have sites for transient provision been identified and mapped in both the TAP and the Development Plan?

Equality Proofing of HAP/RAS

What initiatives are in place to counteract the discrimination faced by Travellers in the private rental sector where significant targets are set for this form of housing provision?

Equality Proofing of Choice-Based Letting

Where Choice-Based Letting is currently used, or will be introduced over the period of the TAP, what services are in place to support Travellers' access to CBL?

Travellers not on the Housing List that are Known to Be in Need of Accommodation

Has outreach to known family units with no housing applications been carried out by the Traveller Liaison Officer or social worker, and are measures being taken to ensure that they are included in the Traveller Accommodation Programme?

There should also be a consideration or estimation on Travellers moving between local authority areas over the course of the programme and the need for a passport system to allow for transfers between local authorities.

Indigenous Requirement and Local Connection Rule

Is there an indigenous requirement referenced in the TAP? If so, this should be reviewed to ensure there is no discrimination when compared to the requirements of the wider community in access to social housing, and removed from the Traveller Accommodation Programmes.

The indigenous requirement has been assessed and critiqued in Mercy Law's 2021 *Report Minority Groups and Housing Services: Barriers to Access*, and The Irish Human Rights and Equality Commission's Equality Reviews. The Irish Human Rights and Equality Commission in their Equality Reviews found that

"twelve local authorities set out 'indigenous requirements', for Travellers to be able to avail of social housing supports and/or Traveller-specific accommodation. The Commission has identified the need for these local authorities to review this requirement to ensure that there is no discrimination when compared to the requirements on the wider community in access to social housing." (IHREC, 2021)

Similarly, *Mercy Law in its 2021 Report Minority Groups and Housing Services: Barriers to Access* recognised the 'Local Connection Rule' as a barrier to access to Travellers accessing homeless services and recommended that this should be consistently treated as discretionary:

"In relation to the 'normal residency' and 'local connection' requirements within social housing provision: 1. The 'local connection test' used as part of the social housing supports application be clearly and consistently treated by housing authorities as discretionary, rather than conclusive, so as to prevent potentially unlawful discrimination against minority groups, particularly [...] those who have a nomadic culture." (Mercy Law, 2021, p.26)

Checklist Question

If your local authority is one of the twelve with an indigenous requirement included in the Traveller Accommodation Programme, has this been reviewed in line with the IHREC Equality Review recommendations?

Alignment of the Midterm Review with other Policy Objectives and Commitments

Review of Covid 19 Emergency Measures in line with commitment to retain and build upon any improvements made during Covid 19:

The timing of the midterm review should allow the inclusion of a clear strategy to be identified to “retain and build on improvements made during the pandemic” in line with the Government’s commitment to do so under Housing for All, by identifying the measures taken, and the strategy for making these measures permanent where relevant and providing an update on the Covid 19 Preparedness Checklist, and progress since made.

Assessing levels of homelessness among Travellers in line with Expert Review

Recommendation 8: “Commission research on homelessness among Travellers and ensure that the particular accommodation challenges and preferences of this group are addressed in relevant strategies to combat homelessness.”

To align with this policy objective, Local Authorities should submit the current number of Travellers in emergency accommodation and number registered as homeless.

The midterm review could also be used in part towards achieving the following:

Expert Review Recommendations (3a and 3b), which concern obtaining additional data encompassing:

Information on Travellers currently accommodated in RAS, HAP and Rent Supplement funded dwellings. This would require the inclusion of an ethnic identifier in applications for these housing allowances and the collation of data currently recorded by the Department of Employment and Social Protection (in the case of Rent Supplement) and on each local authority’s ‘transfer list’ (in the case of RAS and HAP).

b. An in-depth nationwide survey of the characteristics of the Traveller population, their location and accommodation, commissioned from an independent, expert provider. This survey would provide more detailed information on Travellers’ mobility patterns, family formation, existing accommodation tenure and conditions, and future accommodation

preferences. It could also be used to inform the ongoing review of the accuracy of the Social Housing Assessments, as recommended above

What methodology was used to assess Traveller need and preferred accommodation type?

The IHREC Equality Reviews echoed the concerns articulated by local and national Traveller organisations over several decades;

“There is a concern that some members of the Traveller community experience a lack of Traveller-specific accommodation, or are exasperated by overcrowding or poor hygiene conditions in such accommodation, and for this reason feel that they have no choice but to apply for social housing.” (IHREC, 2021)

Case Study: Longford IHREC Equality Review Recommendations

Two of the Recommendations of the Longford County Council Equality Review illustrate this:

“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).

and

“Track and independently verify the preferences of the Traveller community in relation to type of accommodation and ensuring a respect for Traveller culture and identity in meeting these”.

Given this pattern, the Traveller Accommodation Programme should give particular clarity as to how the targets for Traveller specific accommodation were arrived at; what methodology was used to assess Travellers’ preferred accommodation type?

The IHREC Equality Reviews also found widespread inconsistencies in how Traveller accommodation needs are assessed and how information is gathered, and how preference is determined. An independent assessment is considered best practice for the identification of Traveller need and preferred accommodation type, and this is reflected in the recommendations of the IHREC Equality Reviews:

Case Study: Cork County Council - evidence of poor information gathering to inform decision making

“The Council indicates that a research project was commissioned to identify the views of Travellers on their accommodation needs. This initiative, while positive, suffered from a very low response rate, with 58 replies from 420 survey forms issued. The Council identifies in the Equality Review that standard housing is the preferred option of Traveller families. However, the Council’s research project survey response, even with its low returns, identified that only 35% of respondents favoured standard housing, while 15% of respondents favoured halting site provision (no indication of the remaining preferences is provided). This raises significant concerns as to the quality of data in relation to Traveller preferences that informed the current TAP and raises questions about the Council’s conclusion that standard housing is the preferred option of Travellers.

The planned provision in the current [Cork County] TAP is for: 31 families in standard housing; 2 families in group housing; 9 families in halting site bays; and 26 families in receipt of HAP.

There is a lack of clarity in the data presented by the Council in the Equality Review and associated documentation. The 2018 annual count identified 403 Traveller households, but the survey for the research in the same year on Traveller needs was distributed to 420 Traveller households. This annual count figure of 403 households then translates into a projected need for accommodation for 132 Traveller households. This then translates into an overall target of 68 Traveller families in the TAP, which includes a projected need for a further 16 families. This would appear to suggest an inadequacy in the planned provision.” (Cork County Equality Review IHREC, 2021)

Checklist Questions

- What methodology was used to assess need in the TAP and is this independently verifiable?
- What methodology was used to assess Traveller accommodation preference?
- Has the need increased or changed since the TAP was drawn up and do the targets need to be revised to reflect this?

The Public Sector Duty and Recognition of Traveller Ethnicity and Culture

- Does the Traveller Accommodation Programme identify the Council's statutory obligation under the Public Sector Duty to eliminate discrimination and promote equality?
- Have the cultural needs of Travellers been considered and assessed? Is there a capital letter used in each instance that the word Traveller occurs?

Summary: Best Practice Checklist

- What was the engagement with the LTACC and the local Traveller organisation and other stakeholders in all stages of the review process?
- Did the LTACC sign off on the original TAP and the midterm review?
- How many times has the LTACC met over the TAP period so far?
- Is the midterm review an agenda item for the Housing SPC?
- Is there standardised baseline data and progress on targets including;
 - current need total and how it was assessed,*
 - need by accommodation type,*
 - 'future' or 'projected' need over the lifespan of the programme assessed and included in targets*
- unit targets by accommodation type per year and progress by year, with narrative on reasons for delay or amendments*
- What methodology was used to assess need in the TAP and is this independently verifiable? Were nomadic families surveyed?
- What methodology was used to assess Traveller accommodation preference?
- Has the need increased or changed since the TAP was drawn up and do the targets need to be revised to reflect this?

- Have figures been provided on numbers in homeless accommodation?
- Have timelines, site locations, units and budgets been given for Traveller specific accommodation projects and have updates on each been provided?
- Have they been mapped in line with the recommendations of the OPR report, in both the TAP and the Development Plan?
- Is there recognition of Public Sector Duty and of Traveller ethnicity and culture?
- Has any reference to an indigenous requirement been removed?
- Have transient sites been assessed and planned for?