



Spotlight

Traveller Accommodation: The challenges of implementation

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Abstract

This *Spotlight* offers an overview and analysis of over twenty years of policy on Traveller accommodation. Travellers are an indigenous ethnic group that experience very high levels of discrimination, social exclusion and inequality, not least in accessing good quality, culturally specific accommodation. There is a long record of law and policy which has sought to address Traveller accommodation, but all of these efforts have only partially met the accommodation needs of Travellers. By looking at this experience from the perspective of 'policy implementation', this *Spotlight* explores *why* Traveller accommodation policy has proved to be a consistently intransigent policy problem.



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List of abbreviations

| | |
|--------|---|
| CSO | Central Statistics Office |
| ECRI | European Commission on Racism and Intolerance |
| ESRI | Economic and Social Research Institute |
| LA | Local Authority |
| LTACC | Local Traveller Accommodation Consultative Committee |
| NDFEM | National Directorate Fire and Management |
| NITRIS | National Traveller and Roma Inclusion Strategy |
| NTACC | National Traveller Accommodation Consultative Committee |
| TAP | Traveller Accommodation Programme |
| TSA | Traveller Specific Accommodation |
| UCD | University College Dublin |
| UN | United Nations |
| WRC | Workplace Relations Commission |

Summary

“When I was a child we were hunted from place to place and we could never have friends to be always going to school with. The little settled children would run past our camps – they were afraid of the travellers... The truth is that we’re people like everybody else but we’re a different speaking people with our own traditions and our own way of life and this is the way we should be treated, not like dirt.” (Joyce, 1985, p. 1)

In light of recent commitments to review and revise Traveller accommodation policy, this *Spotlight* offers an overview and analysis of over twenty years of policy on Traveller accommodation. By looking at this experience from the perspective of ‘policy implementation’, the *Spotlight* explores why Traveller accommodation policy has proved to be a consistently intransigent policy problem. Despite high-level commitment and substantial levels of funding, two factors which should support implementation, Traveller accommodation policy remains characterised by inconsistent delivery and ongoing failure in meeting the accommodation needs of the Traveller community.

Travellers are a distinct ethnic minority group with a long history and specific cultural characteristics which are associated with a tradition of nomadism. The small recorded Traveller population in Ireland has grown significantly in recent years and the 2016 Census found that there were 31,000 Travellers in Ireland. Travellers experience poor social and economic outcomes in comparison to the mainstream population. This growing population has been very reliant on provision of standard accommodation by local authorities and while there has been an increase some forms of ‘Traveller Specific Accommodation’, such as group housing schemes, the number of Traveller families living on halting sites and on the road side has decreased over time.

The policy approach to the provision of Traveller accommodation has evolved substantially over the decades since the 1963 *Commission in Itinerancy*, and the shift towards multiculturalism, inclusion, and integration was underlined by the recognition of Traveller ethnicity in 2017. This shift influenced the nature of accommodation policy and there has been significant attention given to the provision of Traveller specific accommodation (such as group housing schemes and halting sites). Nonetheless, these efforts have only partially addressed the accommodation needs of Travellers. Accommodation has proved a persistent concern of Travellers themselves, as well as of domestic and international commentators including the government’s own advisory bodies. Given that generally there is agreement that the objectives and design of Traveller accommodation policy are adequate, the central question which emerges is why there has not been more progress.

Numerous reports have recognised that there is a gap between the accommodation needs of Travellers and the accommodation that is available to them, both in terms of Traveller specific accommodation and mainstream accommodation. There is significant consistency across the

various reports and studies of Traveller accommodation, which suggests that many of the problems are well understood. There are substantial issues in the provision and maintenance of Traveller specific accommodation and often this accommodation is of poor quality, overcrowded and does not meet the needs of Travellers. Travellers disproportionately experience homelessness and face significant levels of discrimination in accessing the private rented sector. Furthermore, several commentators have highlighted difficulties with the effectiveness of the existing mechanisms which are responsible for delivering on Traveller accommodation targets.

In order to contribute to deepening understanding of the challenges in implementing Traveller accommodation policy, this *Spotlight* reviews selected literature on policy implementation. Those writing about policy implementation describe how: (1) policy implementation is increasingly identified as an integral part of the on-going policy making process (and not just the end stage); (2) collaboration between decision maker (up-stream actors) and policy implementers (down-stream actors) is an important part of effective policy design and implementation; and, (3) that even the perfect policy design is dependent on a wide variety of contextual factors. Several authors have suggested ways of thinking about how best to encourage policy implementation.

One such approach - Matland's (1995) Ambiguity-Conflict Model – is used in this *Spotlight* to explore how policy ambiguity and policy conflict can help to explain the challenges of implementing Traveller accommodation policy in Ireland. Policy *conflict* will exist when more than one actor sees the policy as central to its interests and there are incongruous views. Policy *ambiguity* can broadly be described as arising from two sources: ambiguity of goals and ambiguity of means. Ambiguity of goals occurs where there is a poor or contested understanding of the problem, and ambiguity of goals arises where there are different perspectives on the means or the technical capacity does not exist. Using these concepts of conflict and ambiguity Matland devises a four-part framework for understanding the dynamics of policy implementation in which implementation can be characterised as having high or low conflict and high or low ambiguity. This *Spotlight* suggests that despite many of the key ingredients for effect policy implementation being in place, nonetheless the experience of Traveller accommodation falls into Matland's category of *symbolic implementation* as it is characterised by both high policy conflict, particularly at the local level, and high policy ambiguity, particularly in terms of the ways in which the objectives of Traveller accommodation policy should be realised (ambiguity of means). The *Spotlight* ends by applying Matland's framework to the various proposals and ideas which were discussed during a discussion of Traveller accommodation at the Joint Oireachtas Committee on Housing, Planning and Local Government on 8 March 2018.

Introduction

Traveller accommodation can be simply defined as any form of housing occupied by members of the Traveller community, in practice this can mean settled or 'mainstream' housing, official and unofficial halting sites, and group housing schemes. Given the complexities of social exclusion facing Travellers, they are heavily reliant on public provision of accommodation (RSM, 2017a), though there are Travellers who privately rent or own their own accommodation. In March 2017, Travellers were formally recognised as an indigenous ethnic minority by the Government. Three months later (June 2017) the Minister of State for Housing and Urban Renewal, made a commitment to review the *Traveller Accommodation Act, 1998*. These initiatives are symbolic of the dramatic evolution of policy on Traveller accommodation since this issue was first explicitly considered by the 1968 Commission on 'Itinerancy'. However, despite the change from assimilationist strategies (which sought to 'absorb' Travellers into the settled population) to policy which seeks to value and respect Traveller culture, accommodation remains one of the most pressing challenges facing the Traveller community.

The objective of this *Spotlight* is to review and analyse Traveller accommodation policy. By reviewing the current situation facing Travellers, the *Spotlight* raises the question – why has this long history, a clear legal and policy framework, and substantial government funding, not proved more successful in meeting the housing needs of the growing Traveller community. The *Spotlight* reviews the literature which explores these questions, and uses the lens of 'policy implementation' to examine some of the key factors at play.

The *Spotlight* develops over four main sections. Section one introduces the Traveller community, highlighting significant inequalities in comparison to the mainstream population, and paying particular attention to the accommodation situation of Travellers. Section two provides a policy review, and addresses early policy initiatives, as well as the substantial legal and policy framework which emerged after the report on the Taskforce on the Traveling Community in 1995. This section also captures other, related, policy developments, and examines how international human rights monitoring bodies have engaged with the issue of Traveller accommodation. Section three examines the key challenges which have been identified in providing and sustaining accommodation for Travellers including the question of choice and preference, developing and maintaining Traveller specific accommodation, homelessness, discrimination, and weaknesses in the monitoring and oversight systems. The *Spotlight* concludes by drawing on the literature on policy implementation in order to explore the key factors which have undermined the implementation of policy goals and to provide an assessment of some of the key administrative and legal options which are currently being considered.

Note on methodology

This *Spotlight* aims to synthesize and assess the available evidence on the provision of Traveller accommodation. The methodological approach is, therefore, primarily an analysis of available research and does not seek to present any new or primary research. To this end the author has extensively reviewed existing reports and research including: government commissioned studies, independent academic analysis, stakeholder commentary, reports of administrative bodies, government policy and Dáil debates. Where publicly available, official data is presented and analysed. The author is grateful to the Department of Housing, Planning and Local Government for supplying data from the annual count of Traveller families since 1996, and to the Central Statistics Office for providing Census data from 1996-2006. The data sets used in this *Spotlight* are available from the Library & Research Service. In addition to this literature review, the author made contact with number of experts and sought their views on the available evidence base.

In analysing official data this *Spotlight* is, logically, subject to the limitations of that data. Several commentaries suggest that there is likely to be consistent underreporting of Travellers in official data. The ESRI has noted that the undercount in the national census may be a result of a “certain reluctance on the part of Travellers – particularly those in standard housing – to identify themselves as part of a group that has historically been the subject of prejudice and discrimination” (Watson et al., 2017, p. 2). In addition, given the Traveller community is a relatively small population “there are few national data sources that contain a sufficient number of cases to permit a comparison of the circumstance of Travellers and non-Travellers” (Watson et al., 2017, p. x).

The final section of this *Spotlight* explores the experience of Traveller accommodation policy through the lens offered by the literature on policy implementation. To this end, the *Spotlight* follows the approach of Meyers et al. in using a conceptual framework to “organize a set of coherent ideas or concepts in a manner than makes them easy to communicate ” (2012, p. 465). The aim of this approach is the assist the reader in “the identification of action choices” (Hill and Hupe, 2006, p. 571). While there are many frameworks which seek to explain the challenges of policy implementation, this *Spotlight* has selected Matland’s (1995) ‘Ambiguity-Conflict Model’ as it offers interesting insights specific to the experience of Traveller accommodation.

The language used to describe the Traveller community has change over the years. The *Spotlight* uses the term ‘Traveller community’ as that is now the preferred language of Traveller themselves. Where earlier documents use concepts such as ‘itinerant’ which are considered pejorative, these are used only to describe the historical context and are contained in single quotation marks to identify them as such.

Section 1: Travellers and accommodation

“I am a Traveller and the fact that me children have never lived in a house is one thing about them. Like even though they’ve never travelled a day in their life, they’re still Travellers” (School of Public Health, Physiotherapy and Population Science, UCD, 2010, p. 124)

The exact origins of the Traveller community are a matter of debate amongst anthropologists (Norris and Winston, 2005), however there is now broad consensus that Travellers represent a distinct ethnic group, a status which was formally recognised by the Irish government in 2017. Traveller distinctiveness manifests in shared cultural values, such as nomadism, distinct rituals, their own language, specific economic activities, the importance of extended family, and “the fact that they define themselves and are defined by the settled Irish population as separate” (Norris and Winston, 2005, p. 804).

The specific cultural needs of Travellers, along with significant experiences of social exclusion (Watson et al., 2017, p. viii), have consequences for the housing needs of Travellers in mainstream accommodation and in the Traveller specific accommodation. Cultural characteristics such as nomadism, living in extended family groups, and specific economics activities, including keeping horses, all raise specific needs in terms of accommodation.

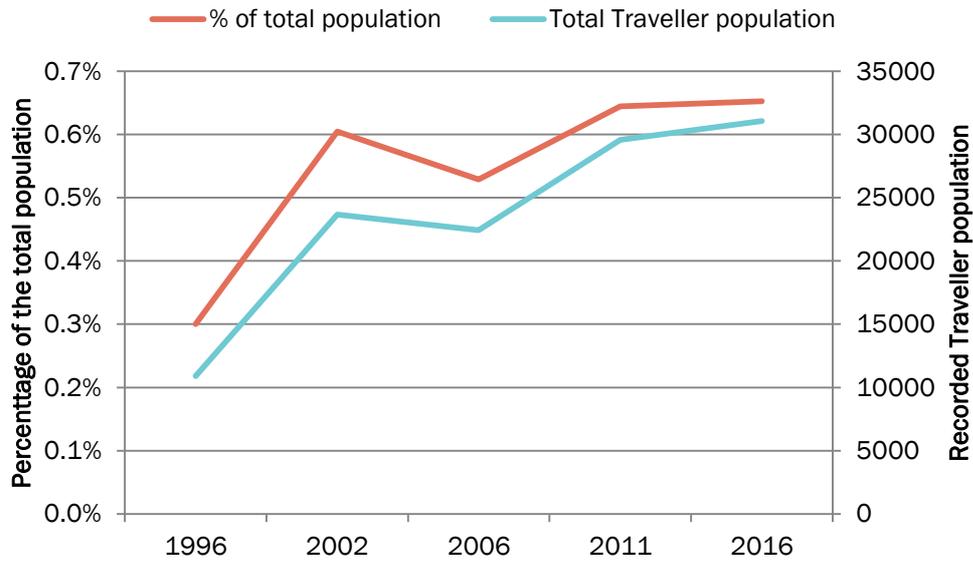
This section will present the available data on Traveller accommodation in Ireland, and begins by reviewing recent analysis of the Traveller population and the demographic differences between Travellers and the overall population. This is followed by an analysis of the available evidence regarding the changing accommodation profile of the growing Traveller community.

1.1 Population and demographics

The Census has collected data on the Traveller population since 1996. Though there are significant difficulties as to the reliability of this data, it is likely that reliability has increased in recent times (Watson et al., 2017). As Figure 1 shows, there has been a very significant growth in the recorded Traveller population since 1996. The 2016 Census data revealed that there were 30,987 Irish Travellers, an increase of 5.1% since the 2011 Census. The recorded Traveller population has increased 185% since 1996, and increased from 0.3% of the overall population to 0.7% of the population. This increase is likely to be driven both by natural population growth and by better recording of the Traveller population.¹

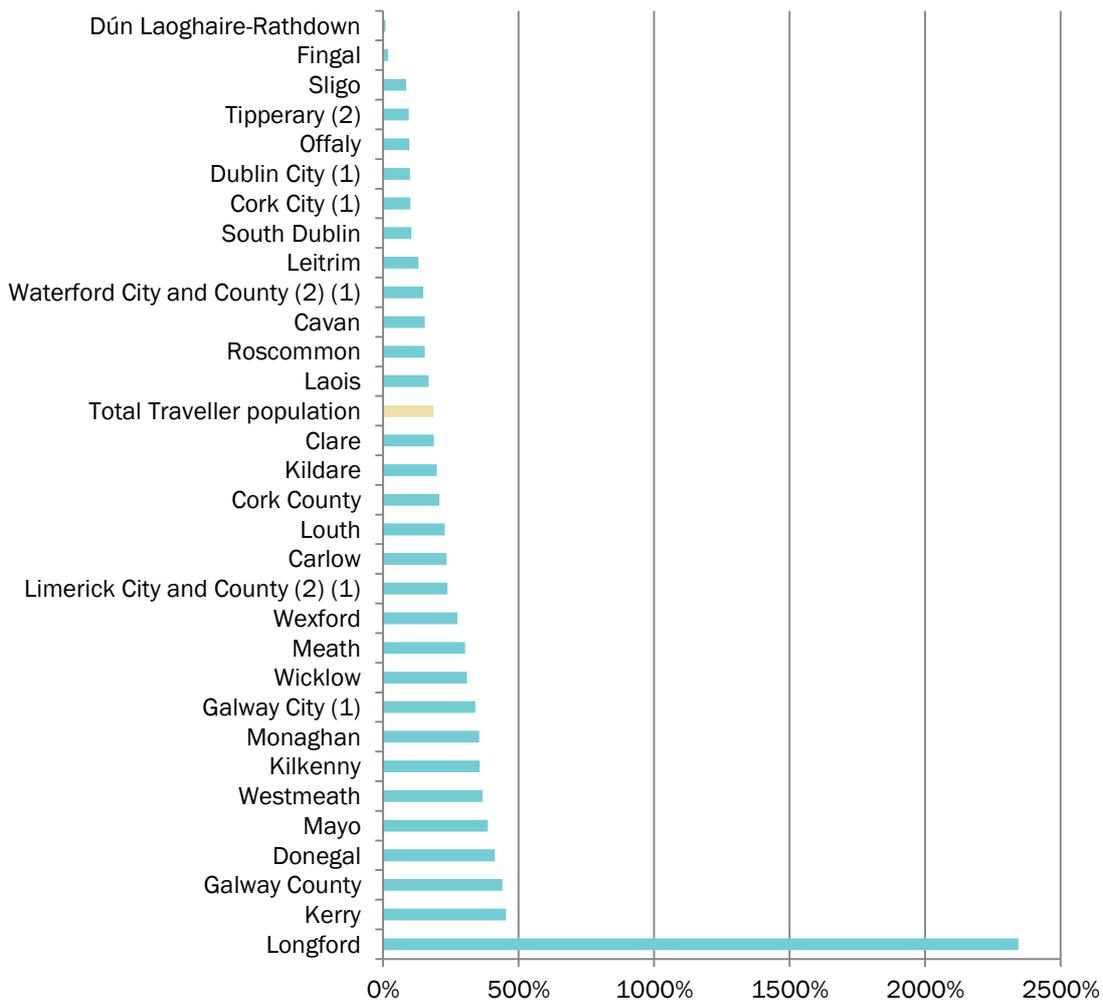
¹ The Oireachtas Library & Research Constituency Dashboards provide constituency and electoral area demographic information. The Dashboard includes data on the Traveller population in each area. The Dashboards are available here: <http://dashboards.oireachtas.ie/>

Figure 1: Traveller population recorded by Census, 1996-2006.



Source: Central Statistics Office and L&RS analysis.

Figure 2: By county percentage increase in recorded Traveller population between 1996 and 2016.



Source: Central Statistics Office and L&RS analysis.

(1) 1996 data refers to "Dublin/Cork/Limerick/Waterford Co. Borough". (2) Merged to match 2016 category.

As Figure 2 reveals, since 1996 the recorded Traveller population has increased in all counties in Ireland; however there are substantial differences between counties. Ranging from a 10% increase in Dún Laoghaire-Rathdown to a greater than 2000% increase in recorded population in Longford.

In terms of demographic differences between Travellers and the general population:

- Travellers are significantly younger than the general population; in 2016, 40% were under 15, compared to 21% of the general population.
- Over 40% of 15-29 year olds are married compared to 5.8% of the general population, and nearly 45% of Traveller women between 40-49 had five or more children, compared to 4% of the general population.
- Travellers have a significantly shorter life expectancy than the majority population with higher adult and infant mortality rates, and the suicide rate is seven times higher for Travellers (School of Public Health, Physiotherapy and Population Science, 2010).
- A 2017 Behaviour and Attitudes Survey found that 26% of Travellers had experience of suicide in the immediate family and 82% of the population had been affected by suicide (Behaviours & Attitudes, 2017, p. 48).
- In 2008 (as part of the All Ireland Traveller Health Survey)² the Irish Prison Service carried out a census of Travellers and estimated that Travellers represented 8.7% of the prison population, Traveller men are 11 times more likely to be in prison than the general population and Traveller women are 22 times more likely than non-Traveller women to be in prison (Watson et al., 2017, p. 13).

In 2017, the ESRI published a substantial social analysis of Travellers based on its review of the 2011 Census data. This analysis confirmed significant differences in the life experiences of Travellers and the majority population; trends which are supported by the 2016 data. According to the ESRI, in 2011:

- Only 8% of Travellers had completed their Leaving Certification compared to 73% of non-Travellers.
- Only 1% of Travellers, aged 25-64, had a college degree compared to 30% of non-Travellers. In 2016, the Census revealed that 167 Travellers has a third level qualification (up from 89 in 2011).
- Travellers experience very high levels of unemployment. According to the ESRI, in the 2011 census the unemployment rate for Travellers was 82% compared to 17% for non-Travellers.
- Travellers experience significantly poorer health outcomes as they get older. In the 35-54 years age group 57% of non-Travellers said their health was 'very good' compared to 29% of Travellers.

1.1.1 Ireland's Roma population

While beyond the scope of this *Spotlight*, it is important to recognise that Ireland also has a small Roma population. Pavee Point Traveller and Roma Centre and the Department of Justice and

² The All Ireland Traveller Health Study published in 2010 remains the most comprehensive analysis of the situation of Traveller health. This study is available from: https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf.

Equality published a needs assessment of the Roma community in Ireland in early 2018 (2018).³ This report estimated that the Roma community in Ireland is in the region of 4,000-5,000, and that about 20% of this population are

“completely marginalised from services and supports. They are living in extreme poverty, in sub-standard accommodation, sometimes with no bathroom, kitchen or cooker... Beyond this, 60% of respondents still reported experiences of consistent poverty, including not always having enough fuel, food or heat.” (2018, p. 10)

Roma are particularly affected by experiences of discrimination in attempting to access accommodation. Ninety-three percent of respondents reported experiencing discrimination, and “the major issues that emerged are discrimination in accessing accommodation; severe overcrowding; poor quality accommodation; a lack of security of tenure; homelessness; and a lack of access to social housing and rent supplement” (2018, p. 14)

1.2 Housing and accommodation

There are a range of accommodation options available to Travellers:

- standard local authority housing,
- Traveller specific accommodation such as halting sites and group housing,
- private rented accommodation (either with assistance from their local authority or housing organisations or independently), and
- private home ownership.

There are two main sources of data regarding the situation of Traveller accommodation: the national census and the annual local authority count.⁴ The latter is more comprehensive, and provides the most complete picture.

The Census collects some information about ‘permanent housing’ occupancy. Table 1 provides an overview of available census data for Travellers by nature of occupancy. While this picture is complicated by changes in data collection categories, nonetheless these figures show that there have been significant increases in the number of privately owned houses (with or without a loan or mortgage), as well as in housing rented from the local authority. The number of Travellers resident in the private rental market decreased between the 2011 Census and the 2016 Census.

³ This needs assessment report, Roma in Ireland: a National Needs Assessment is available to download: <http://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf>.

⁴ In November each year local authorities undertake an annual count of Traveller families in their administrative area on the last Friday of the month (LTACC, 2004). The 2004 National Traveller Accommodation Consultative Committee (NTACC) review does acknowledge that “it is desirable that the relationship between the figures produced by both the Census and the Annual Count be clarified to avoid any confusion arising” (2004, p. 4). Furthermore the NTACC noted that: “when comparing the Count figures for various years, the subcommittee recognised that direct comparisons between years are not always possible as the Count format has been revised a number of times since 1995 in order to gather more information and to refine definitions” (2004, p. 6).

Table 1: Irish Traveller households by nature of occupancy, 2011-2016.

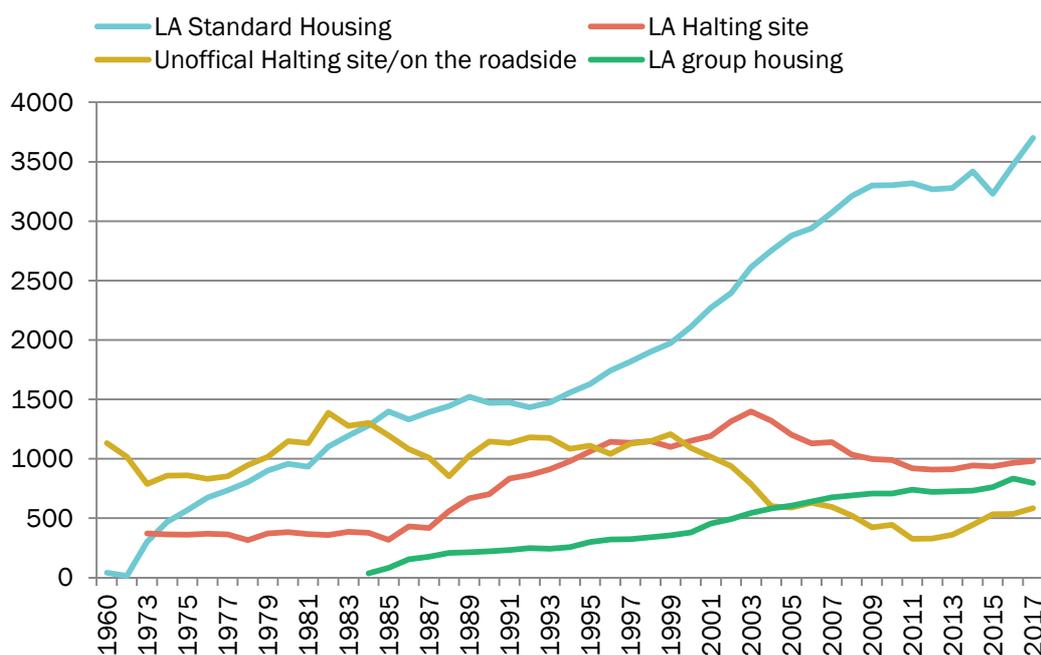
| Nature of Occupancy | 2011 | 2016 | Change | % change |
|---|-------|-------|--------|----------|
| Own with mortgage or loan | 586 | 613 | 27 | 4.6 |
| Own outright | 923 | 1,133 | 210 | 22.8 |
| Rented from private landlord | 2,257 | 1,835 | -422 | -18.7 |
| Rented from local authority | 3,317 | 3,938 | 621 | 18.7 |
| Rented from voluntary housing body | 206 | 243 | 37 | 18.0 |
| Living rent free | 176 | 221 | 45 | 25.6 |
| Not stated | 300 | 734 | 434 | 144.7 |
| Total number of Households (Irish Travellers) | 7,765 | 8,717 | 952 | 12.3 |

Source: Central Statistics Office

The number of Irish Traveller households who owned their home (with or without a loan or mortgage) increased to 1,746 in 2016. According to the ESRI analysis of the 2011 Census, 12% of Travellers lived in a caravan or mobile home, and that this form of accommodation is likely to be overcrowded (84%) and lack internet access (91%). Overcrowding is a particular problem for children under age 15 and adults between 35 and 44, which is “the stage where the family is likely to be complete but the older children have not yet left home” (Watson et al., 2017, p. ix).

A more comprehensive assessment of Traveller accommodation is provided by the annual count of Traveller families. Since 1995, the Department of Housing, Planning and Local Government has collated the annual count of Traveller accommodation by local authorities. The count includes the number of Traveller families accommodated by the local authorities in Traveller specific accommodation as well as in mainstream housing, the number of Traveller families living on the road side, as well as the number of Travellers who privately source accommodation.

Norris and Winston (2005) have collated data on Traveller accommodation provision, from a variety of sources, prior to 1995. Figure 3 combines this data with the post-1995 data available from the Department of Housing, Planning and Local Government and provides an overview of Traveller accommodation by local authorities and in unofficial sites since 1960. This long term view demonstrates that while there has been some change in provision across local authority halting sites and group housing schemes, the growth in the Traveller population has largely been accommodated through standard local authority housing. Since 1984, there has been a steady increase in the number of families accommodated in group housing schemes. There has been a decrease in the number of Traveller families living in unofficial sites; this is particularly striking considering the overall growth in population.

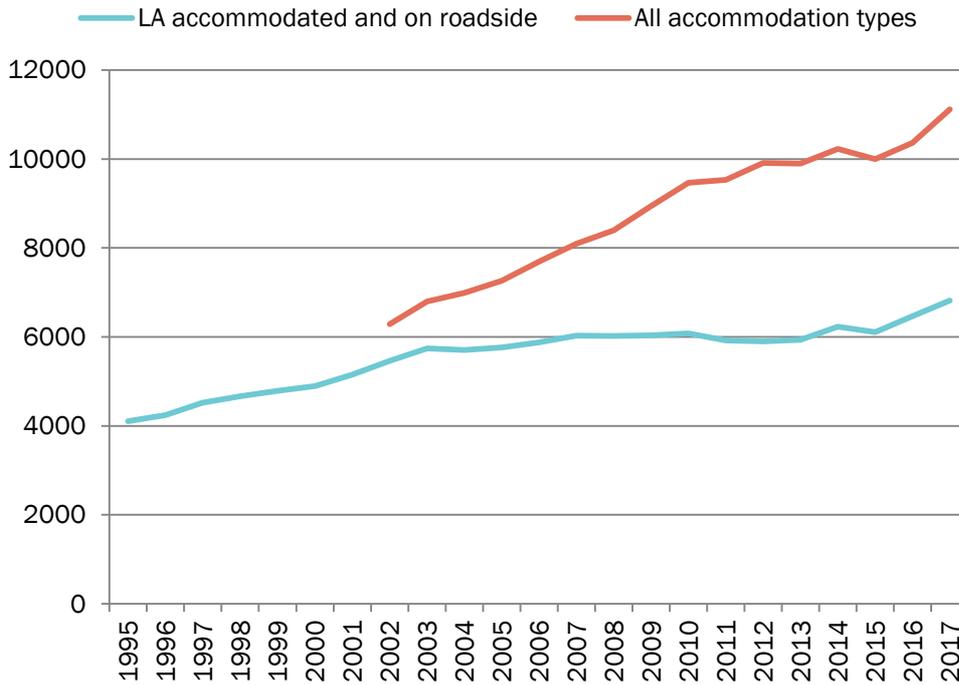
Figure 3: Traveller families housed with local authority assistance and in 'unofficial halting sites' from 1960-2017

Sources: Norris and Winston (2005), Department of Housing, Planning and Local Government (L&RS analysis).

A more detailed picture emerges from an analysis of the data available through the annual count since 1995. Figure 4 shows the increase in families accommodation by local authorities and the overall increase in Traveller families recorded in the count. This trend is supported by Census data revealing growth in the overall population and by findings that data reliability has improved over time (Watson et al., 2017). After 2002 the data includes Traveller families who occupy other forms of accommodation (such as private rented accommodation and house sharing). In 2002, the local authorities enumerated 6,289 families; the figure in 2017 was 11,116 families.⁵

⁵ The ESRI (2017) suggest a methodology for estimating the overall Traveller population which is to assume a conservative family size of four and multiply the total number of families in the annual count by four. This suggests a total population about approximately 45,000 Travellers in 2017, significantly higher than the population recorded in the national Census.

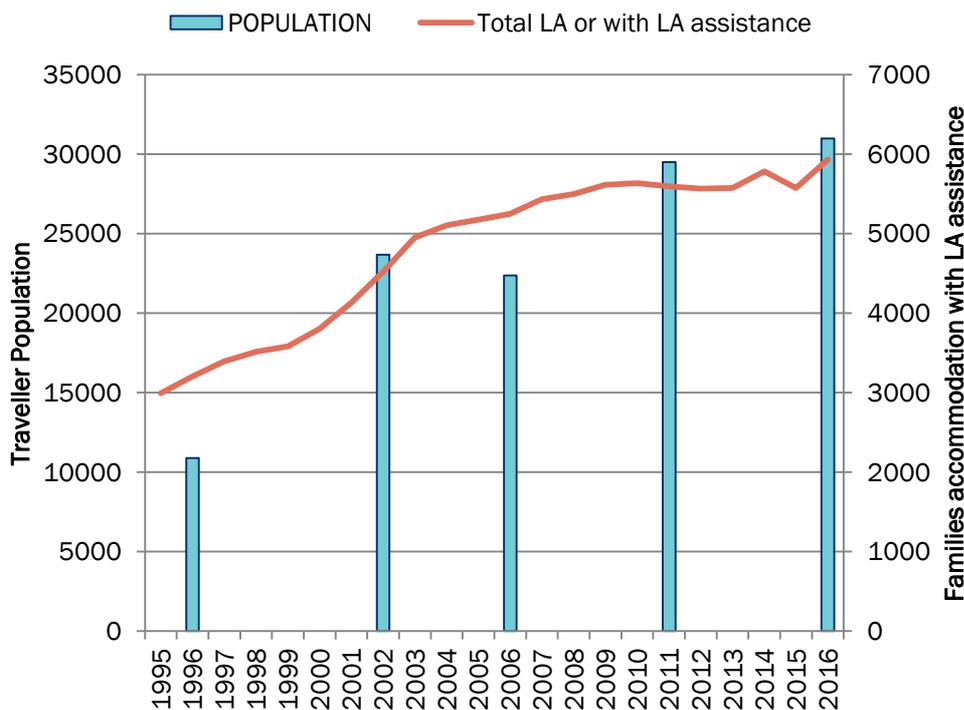
Figure 4: Total number of families recorded in the annual local authority Traveller accommodation count.



Source: Department of Housing, Planning and Local Government (L&RS analysis).

Figure 5 illustrates that while there has been an increase in the accommodation of Traveller families with the assistance of local authorities, these increases have been more or less in line with recorded population increases.

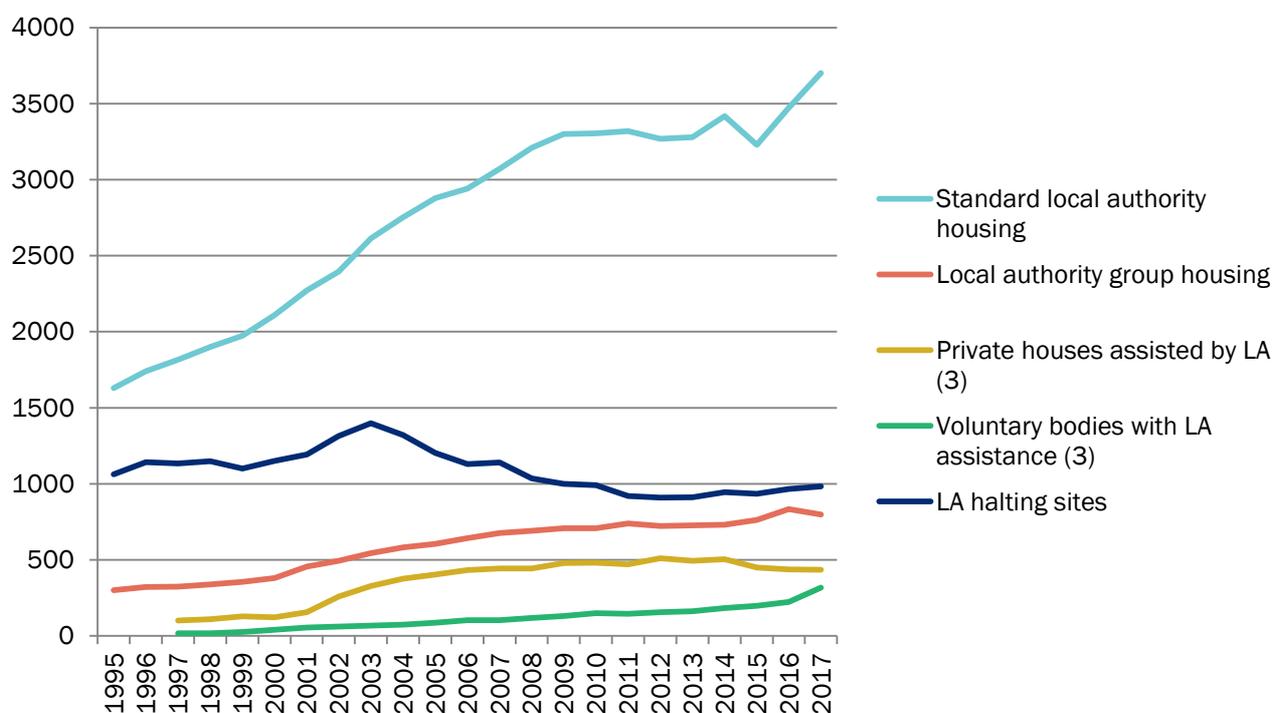
Figure 5: Traveller families accommodated with assistance of local authorities and total recorded Traveller population.



Source: Department of Housing, Planning, Local Government and Central Statistics Office (L&RS analysis).

As Figure 6 demonstrates the most significant increase in local authority provided Traveller accommodation has been in the provision of standard local authority housing. In 2017, standard housing provision represented 59% of all accommodation provided by local authorities or with the assistance of local authorities (up from 54% in 1995). Standard housing provision has increased significantly in real terms from 1,630 families in 1995 to 3,701 families in 2017. The overall number of families accommodated in halting sites has decreased slightly, from over a thousand families in 1995 to 967 in 2016 (despite the very significant population increases). Group housing schemes accommodated 798 families in 2017, up from 301 in 1995, and there has also been an increase in the number of families living in private houses. In 2017, voluntary housing bodies assisted 317 families,⁶ while a relatively small source of accommodation for Traveller families this represents a significant increase over the past two decades.

Figure 6: Annual count of Traveller families accommodated by or with the assistance of local authorities.

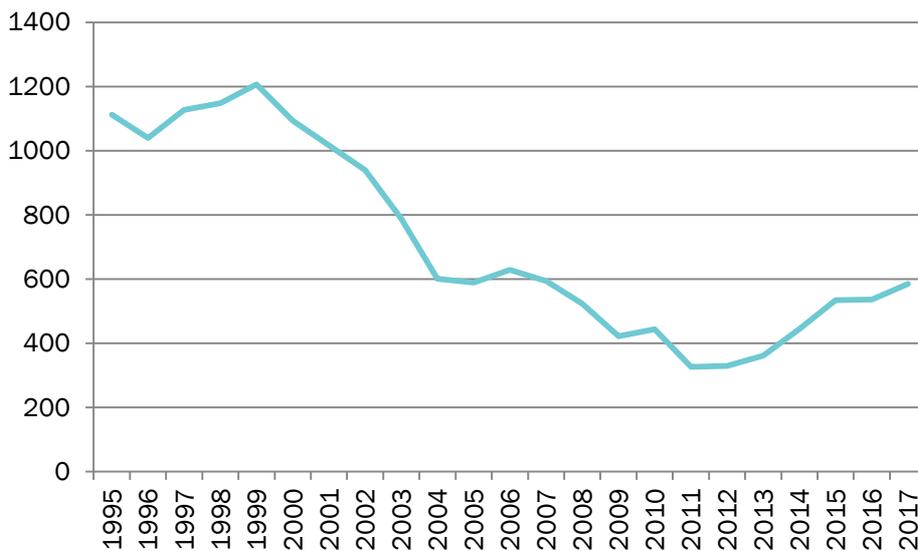


Source: Department of Housing, Planning and Local Government (L&RS analysis).

Figure 7 shows that the number of families accommodated on the road side has fallen since 1995. While there has been an increase in such accommodation since 2011, in 2017 roadside provision represented 5% of the total count, down from 15% in 2002.

⁶ In 2009 the Irish Traveller Movement, funded by the Department of the Environment, commissioned a study into the feasibility of Traveller led accommodation association. In 2011 the ITM established a steering committee to oversee such a body, CENA (which is the cant word for home). This body is currently under development, see: <https://itmtrav.ie/strategic-priorities/accommodation/cena/>.

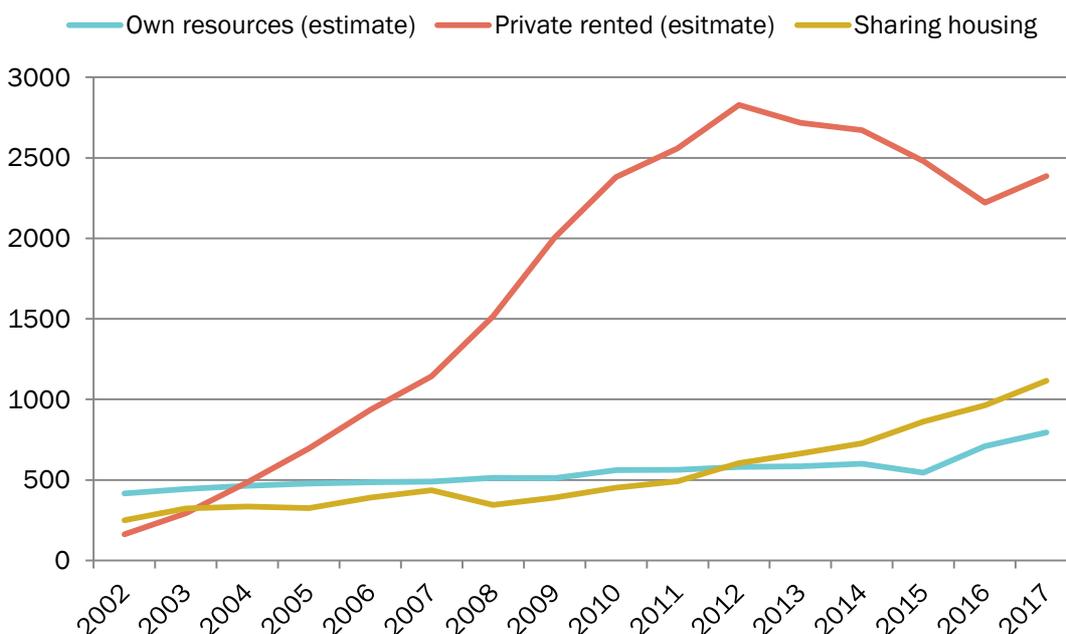
Figure 7: Annual count of Traveller Families living on the 'roadside', 1995-2017.



Source: Department of Housing, Planning and Local Government (L&RS analysis).

Overall, there has been an increase in reliance on private rented accommodation provision, particular in the lead up to 2012. After 2012 the numbers of families accommodated in private rented accommodation decreased. Figure 8 shows that in 2017 2,387 families lived in private rented accommodation. There has also been an increase in the number of Traveller families 'sharing' housing, up from 249 families in 2002 to 1,115 families in 2017.

Figure 8: Annual count of Traveller families living in 'Other accommodation', 2002-2017.



Source: Department of Housing, Planning and Local Government (L&RS analysis).

1.3 Summary

Travellers are a distinct ethnic minority group with a long history and specific cultural characteristics which are associated with a tradition of a nomadic lifestyle. Travellers have long experienced poor social outcomes in comparison to the mainstream population. While not the focus of this *Spotlight*, Ireland's small Roma population has similar experiences social exclusion and discrimination. The recorded Traveller population in Ireland has grown significantly in recent years and the 2016 Census found that there were 31,000 Travellers in Ireland.⁷ The two main sources of data on the accommodation situation of Travellers are the Census and the annual local authority count of Traveller families. These sources reveal that the growing Traveller population is very reliant on provision of standard accommodation local authorities and that there is increased reliance on private rented accommodation (though this has decreased somewhat since 2012). While there has been an increase in group housing schemes the number of Traveller families living on halting sites and on the road side has decreased. Over the last twenty years there have been significant policy developments in relation to the provision of Traveller accommodation, in the next section this *Spotlight* will review the history of Traveller accommodation policy and explore its impact on the changing trends in accommodation provision.



Photo by Derek Speirs, 2005

⁷ A 2018 report by the House of Commons research service reports that in the 2011 Census in the UK around 63,000 people in the UK identifies as Gypsies or Travellers. For further analysis of the situation of Gypsies and Traveller in the UK see the House of Commons Library Briefing Paper, Gypsies and Travellers, available at: <http://researchbriefings.files.parliament.uk/documents/CBP-8083/CBP-8083.pdf>

Section 2: Policy review of Traveller accommodation

Academic commentators suggest that there are distinct periods, since the State first articulated its policies on the Traveller community, in the provision of Traveller accommodation (Fanning, 2012; Norris and Winston, 2005). Fanning describes “shifting official responses to Travellers” (2012, p. 153), beginning with the conceptualisation of Travellers as a problem in need of solution in the 1960s, through to contemporary policy which recognises Travellers as a distinct ethnic group which faces deep seated and structural inequalities. As Norris and Winston described it in 2005,

“Since the 1960s a series of government policy initiatives have endeavoured to resolve the issue of Traveller accommodation. However, the way in which the issue has been conceptualized by policy-makers has changed significantly. Early policy statements were predicated on the assumption that the problems of Travellers could be solved by encouraging them to assimilate into settled culture by abandoning nomadism and moving into standard houses (Commission on Itinerancy 1963).” (2005, p. 803)

More recently, the National Traveller and Roma Inclusion Strategy, recognised that once again there has been a shift, in this case “from integration to inclusion which is seen as better capturing what we want to achieve for these communities in our society” (Department of Justice and Equality, 2017, p. 16).

The history of policy on Traveller accommodation reflects changing social and political attitudes towards Travellers, but it is also one informed by ongoing challenges facing Travellers. Figure 9 presents a policy timeline, which shows that there has been no shortage of policy on Traveller accommodation, yet significant challenges remain. Inevitably these dynamics open up questions of both the adequacy of policy design and of policy implementation - these themes are explored in the concluding section of this *Spotlight*.

The objective of this section is to trace the evolution of policy and law on Traveller accommodation. This section develops over six parts. The first part examines early policy statements on Traveller accommodation, then turns to the 1995 Taskforce report as a moment of significant change in Traveller accommodation policy. The third part describes the 1998 *Traveller Accommodation Act* and its early implementation (Government of Ireland, 1998). The fourth part introduces the role of anti-discrimination law. The fifth part captures other broader policy or legislative initiatives, including those that deal with trespass and eviction, the funding of Traveller accommodation and Traveller ethnicity. The final part addresses the international human rights context and recent findings in regard to the provision of Traveller accommodation. While many of the commitments on housing and accommodation formed part of wider initiatives on Traveller inclusion, nonetheless it is through the lens of accommodation that such initiatives are described in this *Spotlight*.

Figure 9: Timeline of policy on Traveller accommodation



Source: L&RS analysis

2.1 Early policy statements

The first State accommodation for Travellers was provided under the 1931 *Housing Act*, in the form of standard local authority housing (Norris and Winston, 2005); however, there was no explicit policy statement on traveller-specific services until the Report of the Commission on Itinerancy in 1963 (Commission on Itinerancy, 1963).⁸ In 1983, the report of the Travelling People Review Body, departed substantially from the 1963 Commission, and offered a vision which had shifted significantly in terms of its responsiveness to Traveller culture and identity. This change would prove the beginning of a process which would lead to the recognition of Traveller ethnicity in 2017.

⁸ Report of the Commission on Itinerancy (1963), available at: <http://opac.oireachtas.ie/AWData/Library3/Library2/DL013441.pdf>.

2.1.1 Commission on Itinerancy, 1963

The 1963 Commission report, while obviously of its time, is a stark reminder of the extent and depth of discrimination against Travellers in Ireland. The report refers throughout to the ‘itinerant problem’ and the measures necessary to ‘induce’ ‘itinerants’ to settle. The terms of reference of the Commission included that it should: “enquire into the problems arising from the presence in the country of itinerants in considerable numbers”, and “examine the economic, educational, health and social problems inherent in their way of life” (1963, p. 11). The Commission was charged with identifying steps to promote the absorption of ‘itinerants’ into the general community and pending such absorption “to reduce to a minimum the disadvantages to themselves and to the community resulting from their itinerant habits” (1963, p. 11). The Commission definition of ‘itinerant’ did not recognise the specific cultural identity of Travellers; according to the Commission, “the best definition of ‘itinerant’ was a person who had no fixed place of abode and habitually wandered from place to place” (1963, p. 13).

Interestingly, however, the report did contain the potential for a more multicultural response to the situation of Travellers. In its review of policy and approaches in other countries the Commission noted that: “apart from the Netherlands, it does not appear that any country has taken any substantial measures, other than punitive ones, to deal with the problems” (1963, p. 15). The report has a designated chapter on the Netherlands, and includes the results of a visit to the Netherlands in 1961. Members of the Commission visited the Dutch ‘camps’, which they described as “on the whole reasonable dwellings, well furnished and equipped, and their living standards are already far above the general standards of our itinerants” (1963, p. 26). The Commission concluded that:

“The delegation was satisfied that the problem in the Netherlands is in many respects similar to that in Ireland and that the authorities there had made great progress in their efforts to aid their itinerant population. Particularly striking was the attitude of the authorities, who are imbued with a sense of social justice and charity in their general approach to the problem rather than a desire to eradicate a nuisance to the settled community.” (1963, p. 27)

Following analysis of the available Traveller census, and engagement with ‘itinerant’ families the Commission concluded that over 70% of Travellers “would settle down in houses if given the opportunity” (1963, p. 57). The report is particularly concerned with what it describes as the challenges of moving from a nomadic lifestyle to a settled one, “many itinerants who have obtained dwellings have subsequently returned to the road, not solely because they could not settle down but often because local prejudice against them and their children made the new way of life unattractive if not intolerable” (1963, p. 60). Even the Commission’s own estimate of the numbers who would prefer ‘settled’ accommodation left a substantial minority who would not choose this lifestyle. Despite this, and the findings from the trip to the Netherlands, the Commission came to

the conclusion that all Travellers should settle and that “absorption is the only real solution” (1963, p. 103). Any Traveller specific accommodation provision was conceptualised as a first step towards mainstream housing (Norris and Winston, 2005).

According to legal academics Crowe and Kenna, section 56 of the *Housing Act, 1966* (Government of Ireland, 1966) provided the basis for the legal duty to provide accommodation for Travellers for over 20 Years (Crowe and Kenna, 2009, p. 1). This section stated that “a housing authority may erect, acquire, purchase, convert or reconstruct, lease or otherwise provide dwellings (including houses, flats, maisonettes and hostels) and such dwellings may be temporary or permanent”.⁹

2.1.2 Travelling People Review Body, 1983

The next policy statement on Travellers was the Report of the Travelling People Review Body in 1983. The objective of the Travelling People Review Body was to “to review current policies and services for the travelling people and to make recommendations to improve the existing situation” (1983, p. np).¹⁰ Amongst the objectives of the Review Body was to examine “the needs of travellers who wish to continue the nomadic way of life” (1983, p. np). While rejecting that Travellers were a distinct ethnic group, the report goes some distance towards recognising the distinct identities of Travellers, with “needs, wants and values, which are different in some ways from those of the settled community” (1983, p. np). This report concluded that a policy of assimilation or absorption was unacceptable, and framed accommodation as a question of individual choice rather than collective right (Fanning, 2012; Norris and Winston, 2005). The review body proposed that it was better to view Traveller policy through the lens of integration,

“The Review Body considers that in the light of experience and current knowledge the concept of absorption is unacceptable, implying as it does the swallowing up of the minority traveller group by the dominant settled community, and the subsequent loss of traveller identity. It is suggested that it is better to think in terms of integration between the traveller and the settled community.” (1983, p. np)

This report envisaged the provision of a minimal level of serviced halting sites and of group-housing schemes (small clusters of housing whereby extended families could live in close proximity to each other). The review body recommended that local authorities be required to produce Traveller accommodation plans, and concluded that “accommodation should normally be provided in standard houses. For travellers who do not wish to live in houses, there should be an obligation on housing authorities to provide accommodation in serviced sites on which they may park their caravans” (1983, p. np).

⁹ Housing Act, 1966, <http://www.irishstatutebook.ie/eli/1966/act/21/section/56/enacted/en/html>

¹⁰ Report of the Travelling people review body, is available here: <http://www.lenus.ie/hse/bitstream/10147/46682/1/1725.pdf>

According to Fanning (2012), while the report of the review group represents a substantial departure from the 1963 report in conceptual terms it does not appear to have been more successful in terms of the provision of envisaged accommodation for Travellers. Interestingly, Norris and Winston conclude that policy on Traveller accommodation has suffered from an implementation gap, in that it appears to have resulted in housing outcomes which contradict the policy intention. These authors conclude that, there was a relatively high level of output of halting sites after the 1963 report, and ironically halting site output decreased during the 1980s (2005). The question emerges then whether subsequent policy initiatives would prove more effective.

The first Act referring directly to Travellers was the *Housing Act 1988*.¹¹ Section 9(2) states that the housing authorities must have regard to the housing needs of certain categories of people, including Travellers, and must carry out an assessment of their needs every three years. Section 6 of the *Housing (Miscellaneous Provisions) Act 1992* updates this assistance of local authorities to the homeless to include, among others, sites for caravans (Crowe and Kenna, 2009, p. 1).

2.2 Taskforce on the Travelling Community, 1995

The report of the Taskforce on the Travelling Community in 1995¹² has been identified as a significant turning point in terms of overall policy. The terms of reference of the Taskforce included that it should, “advise and report on the needs of travellers and on Government policy generally in relation to travellers, with specific reference to the co-ordination in policy approaches, by Government Departments and local authorities” (1995, p. 10). The Taskforce included a particularly strong emphasis on the involvement of Travellers and Traveller organisations in decision-making. The report considers the discrimination and exclusion faced by Travellers, and had a specific focus on the relationship between Travellers and ‘settled’ communities.

“Travellers often find themselves in an impossible situation. On the one hand, they are subjected to criticism and abuse because of the unsightly and insanitary conditions in which they are forced to reside. On the other hand, when efforts are made to improve their social and living conditions, through the provision of improved accommodation, the same people within the ‘Settled’ community make strenuous efforts to frustrate and delay those very endeavours which will remove the unsightly and insanitary conditions.” (1995, pp. 63–64)

The report includes a chapter on culture which emphasises the social, cultural and economic role of nomadism for the Traveller community, and it recognises nomadism as a cultural phenomenon rather than necessarily one that only manifests by physically moving from place to place.

¹¹ The Housing Act, 1998 is available here: <http://www.irishstatutebook.ie/eli/1988/act/28/enacted/en/html>.

¹² The 1995 report of the Taskforce on the Traveller Community can be downloaded here: <https://www.lenus.ie/handle/10147/560365>.

Section D of the report deals with accommodation, and recommends the provision of both long-stay halting sites and a national network of short-stay or 'transient' halting sites to facilitate nomadism (Norris and Winston, 2005). The objective of the Taskforce was to make recommendations that would realise the government's target of "of providing permanent serviced caravan site accommodation for all Traveller families who require it by the year 2000" (1995, p. 106). Acknowledging that there had been examples of good performance, the Taskforce concluded that overall: "performance has been uneven and accommodation remains a major issue for Travellers" (1995, p. 107). Distinguishing itself from early approaches the Taskforce concluded that, "the accommodation which is provided to Traveller families must be appropriate to their needs, and must be met through the provision of a range of accommodation types" (1995, p. 101).

The Taskforce proposed a national strategy on accommodation for the Traveller community, which would include a target for the number of units to be provided (and increases in government funding), and a statutory agency which would oversee the development of, and monitor, a National Programme for Traveller accommodation.¹³ Responsibility for delivery would remain with the local authorities. The Taskforce also recommended amending the planning acts to facilitate provision of Traveller accommodation, increases in the executive powers of local authority management, strengthening local authority powers to manage anti-social behaviour, and increased participation of Travellers and Traveller organisations. According the Norris and Winston,

"The report stopped short of identifying Travellers as a separate ethnic group and, by extension, also avoided identifying racism as a primary cause of the problems faced by this community. Consequently, Fanning (2002) categorizes the Task Force report as an example of 'weak multiculturalism'." (2005)

A monitoring committee for the Taskforce report was established in 1998. The first progress report of the Taskforce was published in 2000 and noted "lack of real improvement on the ground", the focus of this report was on the early implementation of the *Housing (Traveller Accommodation) Act, 1998*, which legislated for many of its recommendations.

2.3 Housing (Traveller Accommodation) Act, 1998

The most important legislative initiative on Traveller accommodation has been the *Housing (Traveller Accommodation Act) 1998*,¹⁴ it amended the 1988 Act to allow local authorities to provide halting sites and support services, and describes Travellers as belonging to a group of

¹³ The findings of the Taskforce in relation to accommodation were not without their tension. The Taskforce reports notes that "four members of the Task Force while endorsing the main thrust and recommendations of this Report felt that a comment was necessary on nomadism and the Traveller lifestyle" (1995, p. 5).

¹⁴ The Housing (Traveller Accommodation) Act, 1998 is available here: <http://www.irishstatutebook.ie/eli/1998/act/33/enacted/en/html>

people who have pursued a nomadic way of life (Crowe and Kenna, 2009, p. 1). The Act is substantial and is divided into three parts and 36 sections. Part II of the Act deals with the Traveller Accommodation Programme, and provides that:

- Local authorities will assess the accommodation needs of Travellers in their functional area (section 6).
- Local authorities will adopt an accommodation programme by a date specified by the Minister (section 7) for a five year period, and which will provide for a range of accommodation to meet the identified needs (section 10).
- Section 16 deals with the steps the authority needs to undertake to implement the programme.
- Each programme should be reviewed in each three year period or at such time as directed by the Minister (section 17). Local authorities can amend the accommodation programme, at its own initiative or on the direction of the Minister (section 18).
- The Minister shall appoint a National Traveller Accommodation Consultative Committee (NTACC), whose purpose it to advise the Minister on improving the participation of Travellers in the provision of accommodation as well as general matters relating to the accommodation programmes (section 19). The NTACC shall consist of not more than 12 members (section 20) and the term of office of a member shall not exceed 3 years.
- Local authorities shall appoint Local Traveller Accommodation Consultative Committees (LTACCs) (section 21), to advise on the provision and management of Traveller accommodation. The Minister may issue directions in relation to the composition, term, terms of references and support for the LTACC. Members and officials of the authority will not exceed half of the members of the LTACC and representatives of Traveller organisations will not be less than one quarter of the membership.¹⁵

Part III of the Act deals with the miscellaneous provisions, including:

- Power of the city and county manager to act in an emergency (section 24).
- Instigation of a caravan or site loan scheme (section 25).
- Amending planning legislation to require local authorities to account for Traveller accommodation in county and city development plans (section 26 and 27).
- Provisions on anti-social behaviours to halting sites (section 34).
- Stronger powers for local authorities to deal with unauthorised temporary dwellings (section 35).

The 1998 is widely recognised as a comprehensive national framework for the provision of Traveller accommodation, and domestic and international commentators have not suggested that it needs to be revised.

¹⁵ Weafer and Associates (2009) found that approximately 500 people served on LTACCs. The largest group consisted of local representatives (37%), followed by local authority staff (25%), Traveller Group representatives (17%), Travellers (16%) and others (5%) (2009, p. 18).

2.3.1 First Progress Report of the Committee to Monitor the Taskforce Report

In terms of Traveller accommodation the first monitoring report¹⁶ noted that the administrative, legal and institutional framework had been put in place, which included the NTACC, five year local accommodation plans and the establishment of a designated unit in the Department of Environment and Local Government. However,

“progress in the actual provision of new accommodation has been very slow... accommodation provision has not kept pace with increasing demand over the past five years and the Committee would like to emphasise in the strongest terms the importance of having the local Traveller Accommodation Programmes delivered in a way that clears the backlog in Traveller accommodation. Local authorities have a crucial role to play in making progress in this area.” (2000, p. 13)

The Monitoring Committee made seven high level recommendations in relation to accommodation (this first report contains 145 pages of detailed recommendations). These recommendations reflect their concern with implementation and include that the *Housing (Traveller Accommodation) Act, 1998* should be reviewed in 2002, and that the NTACC should prepare a report on the functioning of the LTACCs. The review also noted ongoing differences between the Department and Traveller organisations with regard to the proposal to establish a national Traveller Agency. The monitoring committee, noted

“the view of the Traveller organisations is that if the present system does not make a significant impact on the backlog in Traveller Accommodation provision over the next two years, the option of establishing a National Traveller Accommodation Agency should be reconstituted.” (2000, p. 44)

In its detailed recommendations on accommodation (48 recommendations over 19 pages), the Committee does call for the establishment of an independent statutory traveller accommodation agency, and sets out in detail the powers and functions of such an agency.

2.3.2 NTACC review of the operation of the 1998 Act

At the first meeting of the NTACC in May 2003 the Minister for Housing and Urban Renewal requested that the NTACC consider and make recommendations to him in relation to the review of the operation of the 1998 Act. This review paid particular attention to:

- the need for better and enhanced data collection about the situation of Travellers;
- stronger engagement and consultation with the LTACCs, Traveller organisations and Travellers themselves;
- the need for planning policy and law to support and account for the provision of Traveller accommodations; and,
- greater linkage between Traveller accommodation and social and affordable housing policies generally.

¹⁶ The First Progress Report of the Committee to monitor the Taskforce Report is available: <http://justice.ie/en/JELR/TaskForceRpt1.pdf/Files/TaskForceRpt1.pdf>

The NTACC also made a series of recommendations which relate to monitoring and implementation, and called for a greater role of the NTACC. The review called for local authorities to avoid asking An Garda Síochána to remove families from unofficial sites who are on local authority waiting lists.

The emphasis of this report is strongly on the implementation of existing commitments and it does not make specific recommendations in relation to amending the 1998 Act itself. The review does note the ongoing debate regarding the establishment of a National Traveller Accommodation Agency:

“There was some disagreement as to whether the existing arrangements could deliver the improved provision considered necessary without a change in the mechanisms to ensure the implementation of programmes. Traveller support groups suggested that there was a need for a Traveller accommodation agency. However it was suggested by the Departmental representative that the new central High Level Group, set up under the aegis of the Cabinet Committee on Social Inclusion, would serve to give any necessary renewed focus on the addressing barriers to the implementation of programmes.” (2004, p. 32)

To date the *Traveller Accommodation Act 1998*, remains the most substantial part of the legislative framework which underpins the provision of Traveller accommodation, however it has not escaped early concerns regarding the realisation of its objectives, and as we have seen in section 1 there remains substantial under provision of Traveller accommodation and the objectives of the Act have yet to be realised. Since the adoption of the 1998 Act there have been several other legislative and policy developments which are relevant to the provision of Traveller accommodation.

2.4 Anti-discrimination law

Anti-discrimination law, specifically names Travellers as a protected group. Travellers are named across several legislative instruments, including the *Prohibition of Incitement to Hatred Act, 1989*,¹⁷ the *Unfair Dismissals Act, 1977* (revised in 2016),¹⁸ the *Employment Equality Acts*,¹⁹ and the *Equal Status Acts*.²⁰ On the 1st January 2016, the *Equality (Miscellaneous Provisions) Act 2015*²¹ introduced “housing assistance” as a new discriminatory ground. This means that discrimination in the provision of accommodation or related services and amenities against people in receipt of rent supplement, housing assistance payments or other social welfare payments is prohibited. Also relevant to the provision of Traveller accommodation is the introduction of a positive duty, in the

¹⁷ Prohibition of Incitement to Hatred Act, 1998:

<http://www.irishstatutebook.ie/eli/1989/act/19/enacted/en/print.html>

¹⁸ Unfair Dismissals Act 1977, updated 1 August 2016,

http://www.lawreform.ie/fileupload/RevisedActs/WithAnnotations/HTML/EN_ACT_1977_0010.htm

¹⁹ Employment Equality Act, 1998 <http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/print.html>

²⁰ Equal Status Act, 2000, <http://www.irishstatutebook.ie/eli/2000/act/8/enacted/en/print.html>

²¹ Equality (Miscellaneous Provisions) Act, 2015,

<http://www.irishstatutebook.ie/eli/2015/act/43/enacted/en/html>

Irish Human Rights and Equality Commission Act 2014,²² on public bodies to have due regard to human rights and equality in their work.

In recent years there has been a significant increase in the number of times membership of the Traveller community was indicated as a ground for complaint under the Equal Status Acts 2000-2015 (Table 2). While it is not clear how many of these complaints relate to the provision of accommodation the Workplace Relations Commission (WRC) estimates that in 2017 there were 15 cases under the Equal Status Act which cited both membership of the Traveller community and accommodation.²³

Table 2: Overview of complaints taken under the Traveller community ground under the Equal Status Acts.

| Complaints under the Equal Status Acts | '07 | '08 | '09 | '10 | '11 | '12 | '13 | '14 | '15 | '16 | '17 |
|--|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|------|
| Total complaints | 185 | 154 | 126 | 107 | 154 | 133 | 124 | 158 | 242 | 1088 | 1113 |
| Membership of the Traveller community | 17 | 23 | 20 | 22 | 31 | 22 | 17 | 22 | 80 | 416 | 408 |

Source: Workplace Relations Commission and the Equality Tribunal annual reports (L&RS Analysis)

2.5 Recent policy and legislative developments

In addition to policy and law which specifically addresses the situation of Traveller accommodation, there have been a broad range of other developments which have relevance for the realisation of policy goals in relation to Traveller accommodation. These include initiatives in the areas of housing and social inclusion. The impact of policy and law on trespass and eviction is also identified as particularly relevant in the case of Traveller accommodation, as Travellers occupying unauthorised sites can be subject to this legislation.

The 2006 *Report of the High Level Group on Traveller Issues*²⁴ takes stock of the provision of services to Travellers across a whole range of issues, and reviews two pilot projects (South Dublin and Clare) which aimed to enhance interagency working in the provision of services. This report emphasised the significance of interagency working and concluded that “to achieve successful outcomes for Travellers there is a need for institutionalised inter-agency coordination at national and local level” (2006, p. 4). The High Level Group also recommended that a Traveller data collection strategy be put in place, and that the Senior Officials Group on Social Inclusion be used to monitor implementation of strategies for Travellers. In terms of accommodation the High Level Group made six core recommendations, two of which called for specific new actions: greater use of the voluntary housing model to accommodate Travellers (with a view to establishing a pilot) and that the provision of transient sites as a matter of priority.

²² Irish Human Rights and Equality Commission Act 2014, <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

²³ Email correspondence with the author, 29 August 2018.

²⁴ The report of the High Level Group on Traveller Issues (2006) is available there: <http://www.justice.ie/en/JELR/HLGReport.pdf/Files/HLGReport.pdf>

The *National Action Plan for Social Inclusion 2007-2016*²⁵ set out that overall housing policy will embrace the special housing needs of vulnerable groups such as Travellers, and restates commitments to fund the implementation of Traveller accommodation programmes. In 2015, the government updated the *National Action Plan for Social Inclusion for 2015-2017*²⁶ but this update does not specifically mention Travellers.

The *Programme for a Partnership Government (2016)*²⁷ states a commitment to develop a new integrated framework for social inclusion which will include a focus on the Traveller community (amongst other groups that experience discrimination). The Programme for Government, also commits to the publication of a revised National Traveller and Roma Strategy, and a working group to “audit the current delivery and implementation of local authorities’ Traveller Accommodation plans” (2016, p. 107).

Rebuilding Ireland, the government’s Action Plan on Housing and Homelessness (2016),²⁸ contains specific provisions on Traveller specific accommodation, which include the commitment that the Housing Agency will review the funding of Traveller specific accommodation and the NTACC audit of the implementation and delivery of the Traveller Accommodation Programmes.

The *Strategy Statement of the Department of Housing, Planning and Local Government (2017-2020)*,²⁹ restates these commitments to the Housing Agency review and the NTACC audit, alongside a broader commitment to “review and maintain an effective framework of legislation, policy and funding in relation to Traveller accommodation and oversee implementation, through local authorities, of effective programmes and supports” (2017, p. 23). The strategy reiterates the Programme for Government commitment that the Department will establish:

“a special working group to audit the current delivery and implementation of local authorities’ Traveller Accommodation plans and consult with stakeholders on key areas of concern. The group should report a plan for the delivery of safe, culturally appropriate accommodation.” (2017, p. 42)

²⁵ National Action Plan for Social Inclusion 2007-2016 (2007) is available here:

<http://www.socialinclusion.ie/documents/NAPinclusionReportPDF.pdf>

²⁶ Updated National Action Plan for Social Inclusion (2015) is available here:

<https://www.welfare.ie/en/downloads/Updated%20National%20Action%20Plan%20For%20Social%20Inclusion%202015-2017.pdf>

²⁷ Programme for a Partnership Government (2016)

https://merrionstreet.ie/MerrionStreet/en/ImageLibrary/Programme_for_Partnership_Government.pdf

²⁸ Rebuilding Ireland (2016), http://rebuildingireland.ie/install/wp-content/uploads/2016/07/Rebuilding-Ireland_Action-Plan.pdf

²⁹ Strategy Statement of the Department of Housing, Planning and Local Government (2017-2020)

https://www.housing.gov.ie/sites/default/files/publications/files/20180501_-_statement_of_strategy_2017-2020_english_published.pdf

In June 2017, the Minister of State for Justice at the Department of Justice and Equality with special responsibility for Equality, Immigration, and Integration, David Stanton TD, launched the *National Traveller and Roma Strategy 2017-2021*.³⁰ The strategy emphasised that “Travellers stand out as a group that experiences extreme disadvantage in terms of employment, housing and health and that faces exceptionally strong level of prejudice” (2017, p. 9). In terms of accommodation, *National Traveller and Roma Inclusion Strategy* (NITRIS) states that

“there should be adequate provision of accessible, suitable and culturally appropriate accommodation available for Travellers. Delivery of Traveller accommodation should be underpinned by a robust monitoring and evaluation framework, with a view to ensuring full expenditure of funds allocated for Traveller specific accommodation.” (2017, p. 41)

Specific actions in the *National Traveller and Roma Strategy* include:

- The NTACC will prepare a report and recommendations (following receipt of the Housing Agency reviews) which will include a review of the *Housing (Traveller Accommodation) Act 1998*.
- Periodic reviews to ensure robust monitoring of ring-fenced capital budget for Traveller accommodation.
- NTACC will explore how best to enhance the capacity of LTACCs.
- The Department will ensure that any guidelines produced by the NTACC for the LTACCs are ‘promulgated’ across local authorities.
- The Department will assess barriers to Travellers accessing social housing waiting lists.
- The NTACC and LTACC will explore how to further develop the involvement of tenants in the provision of Traveller specific accommodation.

Following an announcement in 2017, in September 2018, the Minister of State at the Department of Housing, Planning and Local Government, Damien English TD, established of an expert group³¹ to “examine and make recommendation on issues regarding Traveller accommodation policy, strategy and implementation... a review of the *Housing (Traveller Accommodation) Act 1998* should be part of the work of the Expert Group” (Parliamentary Question, 8.5.2018).

2.5.1 Trespass and evictions

An area of legislative development which has proved controversial in the context of Traveller accommodation is the regulation of trespass and eviction. The *Local Government (Sanitary Services) Act, 1948* (Part IV)³² imposes controls over camping, the parking of temporary dwellings

³⁰ National Traveller and Roma Strategy 2017-2021, <http://www.justice.ie/en/JELR/National%20Traveller%20and%20Roma%20Inclusion%20Strategy,%202017-2021.pdf/Files/National%20Traveller%20and%20Roma%20Inclusion%20Strategy,%202017-2021.pdf>

³¹ The Minister of State discussed the role of the expert group in this Presentation to the Irish Traveller Movement Annual conference, see report in the Irish Times (12.09.2018):

³² Local Government (Sanitary Services) Act, 1948, <https://www.irishtimes.com/news/ireland/irish-news/english-seeks-solutions-to-traveller-accommodation-crisis-1.3627257>
<http://www.irishstatutebook.ie/eli/1948/act/3/enacted/en/html>

and empowers local authorities to prohibit the parking of temporary dwellings in particular areas. Section 10 of the *Housing (Miscellaneous Provisions) Act, 1992*,³³ gives the housing authorities power to take direct action in relation to temporary dwellings parked, without lawful authority, in a public place within five miles, of a site provided under the 1988 *Housing Act*. The Act states that: “the authority may serve a notice on the person requiring him, within a specified period, to remove the said dwelling to the said site”. Any person who fails to respect such a notice will be guilty of an offence. Section 71 of the *Roads Act 1993*³⁴ provides that any person who parks a caravan (for the purposes of advertising or the provision of services) on a national road, bus way, motorway or protected road shall be guilty of an offence, and the Garda may remove the caravan and store it (Crowe and Kenna, 1999, p. 3).

Colloquially known as the ‘Trespass Act’, section 24 of the *Housing (Miscellaneous Provisions) Act 2002*³⁵ criminalises trespass on *public* land for the first time. This section amends the Criminal Justice (Public Order) Act, 1994. The Act makes trespass on land with an ‘object’, a term which includes a caravan (or any temporary dwelling under the 1993 *Roads Act*), a criminal offence. An Garda Síochána can confiscate and impound caravans and arrest a person without warrant who fails to comply with a direction under the Act. Speaking during the second stage of debate on the proposed act, the Minister of State at the Department of the Environment and Local Government, Dan Wallace, TD said that “the encroachment on public and private lands by Travellers has been an issue of much genuine concern recently, particularly in those areas where large-scale encampments were involved”. He went on to explain that provisions in the proposed act were intended to increase the power of local authorities to deal with these situations, but that “the power will not be mandatory on a local authority which will continue to have discretion to permit those Traveller families in need of permanent accommodation to remain on land pending the provision by it of permanent accommodation”.³⁶ According to Traveller representative groups, “the amendment to the Public Order Act in 2002 is largely responsible for the decrease in the number of families living in unauthorised sites, a decline in nomadism and the increase and continuation of families sharing accommodation” (Irish Traveller Movement, 2014).

There is a longstanding view that trespass legislation should be used in a way which takes account of the specific challenges facing members of the Traveller community, and particularly so where

³³ Housing (Miscellaneous Provisions) Act,

<http://www.irishstatutebook.ie/eli/1992/act/18/section/10/enacted/en/html#sec10>

³⁴ Roads Act 1993, <http://www.irishstatutebook.ie/eli/1993/act/14/enacted/en/print#sec71>

³⁵ Housing (Miscellaneous Provisions) Act 2002,

<http://www.irishstatutebook.ie/eli/2002/act/9/section/24/enacted/en/html#sec24>

³⁶ The record of the debates on the proposed Act are available on the Oireachtas website:

<https://www.oireachtas.ie/en/debates/debate/seanad/2002-03-28/6/?highlight%5B0%5D=housing&highlight%5B1%5D=miscellaneous&highlight%5B2%5D=provisions&highlight%5B3%5D=2&highlight%5B4%5D=bill&highlight%5B5%5D=2001>

alternative accommodation is not immediately available. For example, the 1984 Review Body stated that, “compulsory removal of travellers from unauthorised sites should be restricted except to enable property owners to undertake development of the land” (1984, p. np). In a 2015 report to the United Nations Committee on Economic, Social and Cultural Rights, the Irish Human Rights and Equality Commission concluded that, “the criminalisation of trespassing on land in the Housing (Miscellaneous Provisions) Act 2002 continues to disproportionately affect Travellers” (2015, p. 18).

2.5.2 Targets and funding for Traveller accommodation

While the legal and policy framework for the provision of Traveller accommodation largely predates the social and economic crisis which Ireland faced after 2008, implementation was significantly affected by reductions in available resources. However, much of the available analysis suggests that even where funding was reduced very often local authorities have not fully drawn down allocated budgets. According to a review of funding commissioned by the Housing Agency (and conducted by RMS with Professor Michelle Norris in UCD),

“In total, TAPs expenditure across the four programmes to date is €355.7 million (87% of total allocation). Expenditure in early TAPs was considerably higher than in later programmes, both in terms of budget allocation and expenditure... the 2009 – 2013 TAP received less than half of the expenditure allocation received in the previous programme.” (2017a, p. 13)

A report commissioned by Pavee Point in 2013, by independent consultant Brian Harvey, examined the impact of austerity on government funding of Traveller infrastructure. Harvey finds that government expenditure on Traveller accommodation reduced by 85% in the period following the economic crisis in 2008. This spending reduction was further complicated by the fact that there was a 36% underspend across the Traveller accommodation programme. Harvey concludes that,

“It is remarkable, at a time of pressure on Traveller accommodation, that significant funds of money already allocated are not being drawn down and revert to the department unspent. The issue has been endemic for years and has never been convincingly explained.” (Harvey, 2013, p. 25)

The RSM study supports Harvey’s earlier conclusion regarding underspend. Table 3 summaries the survey data presented in the 2017 review (based on 31 local authorities). On average across the four TAP periods 68% of local authorities did not recoup their allocated budgets. From 2000-2004 was the only period in which budgets were fully drawn down across the programmes, and the programme has consistently failed to meet targets in terms of the output of accommodation units. This report concluded that in the period since 2000, 6,394 families were accommodation though TAPS – 68% of the targeted provision.

Table: 3 Overview of allocated spending under TAPS complied by RMS (2017).

| TAP | Allocation | Expenditure | Percentage difference | Target capital provision (units) | Actual Capital Provision (units) | Percentage difference | Expenditure per unit |
|------------|--------------|--------------|-----------------------|----------------------------------|----------------------------------|-----------------------|----------------------|
| 2000-2004 | €127,358,853 | €135,247,344 | 6% | 1674 | 1505 | 90% | 89,865 |
| 2005-2008 | €170,729,717 | €143,905,203 | -16% | 2150 | 1674 | 78% | 85,965 |
| 2009-2013 | €78,229,527 | €55,759,522 | -29% | 2510 | 2015 | 80% | 46,466 |
| 2014-2018* | €33,968,211* | €20,810,746* | -39%* | 3056* | 1200* | 39%* | 17,342* |

Source: RSM, 2017a. *The 2014 – 2018 TAP was still ongoing and, as such, this table is incomplete

2.5.3 Ethnicity – ‘a people within our people’

As this *Spotlight* shows there has been a long debate on the significance of the cultural specificity of Travellers, a debate which has impacted on the accommodation of nomadism and provision of traveller specific accommodation. Early policy statements such as the 1963 report did little to recognise the specific culture of Travellers; however, the approach became more nuanced in subsequent developments. Fanning argues that the “Traveller claim of ethnicity met with strong resistance and rebuttal in the years preceding the publication of the [1995] Task Force report” (2012, p. 157). For example, in Ireland’s first report to the UN Committee on the International Convention on Civil and Political Rights, the government stated that, “some of the bodies representing travellers claim that members of the community constitute a distinct ethnic group. The basis of this claim is not clear” (in: Fanning, 2012, p.173). As we saw earlier, the State did come to describe Travellers as ‘an indigenous minority’ with a specific cultural identity, while still denying that they constituted a distinct ethnic group. Therefore, for a significant period the State position was to recognise the rights of Travellers to their specific cultural identity, but to deny that this could be described in terms of ethnicity.

Following decades of discussion and campaigning by Traveller organisations, this position changed dramatically on 1 March 2017 when the then Taoiseach, Enda Kenny, T. D., formally recognised Travellers as a distinct ethnic group in a statement to the Dáil.³⁷

“this historic and symbolic recognition of Travellers as an ethnic group within the Irish nation ... For some time, Ireland has implicitly recognised

³⁷ Statement by An Taoiseach Enda Kenny TD on the recognition of Travellers as an ethnic group, Dáil Éireann, 1 March 2017, https://www.taoiseach.gov.ie/eng/News/Taoiseach%27s_Speeches/Statement_by_An_Taoiseach_Enda_Kenny_TD_on_the_recognition_of_Travellers_as_an_ethnic_group_Dail_Eireann_1_March_2017.html

Travellers as having a distinct ethnic identity... Our Traveller Community is an integral part of our society for over a millennium, with their own distinct identity – a people within our people... recognition of Travellers could have a transformative effect on relations between Travellers and the wider society, and will create no new individual, constitutional or financial rights... We recognise the inequalities and discrimination that the Traveller community faces... It is a historic day for our Travellers and a proud day for Ireland.”

2.6 International human rights law

The provision of accommodation for the Traveller community has been the subject of considerable attention by international human rights monitoring. Table 4 summarises some of the key recent statements by international human rights bodies.

Table 4: Overview of recent statements on Traveller accommodation by international human rights bodies.

| Human Rights Body | Comment |
|---|---|
| <p>European Commission against Racism and Intolerance - Fourth Report on Ireland (February 2013)</p> | <p>“Welcomes the efforts undertaken by the authorities to tackle the discrimination against Travellers, and specific measures to improve Travellers access to healthcare, education, housing...” (p. 21)</p> <p>“Travellers continue to face significant challenges in relation to adequate accommodation.” (p. 22)</p> <p>“Encourages the national authorities to envisage introducing measures binding on local authorities and to raise awareness among the general public of Traveller housing rights and promote respect.” (p. 22)</p> |
| <p>UN Committee on Economic, Social and Cultural Rights, Concluding Observation on the third periodic report of Ireland (July 2015)</p> | <p>“The Committee is also concerned at the lack of culturally appropriate accommodation provided to Travellers and Roma and of adequate legal protection of Traveller families at risk of eviction” (p. 8)</p> <p>“Reiterates its previous recommendations (see E/C.12/1/Add.77, paras. 32–33) that the State party take steps to provide Travellers and Roma with culturally appropriate accommodation in consultation with them and ensure that the funding allocated to Traveller housing at the local level is fully and appropriately spent to this end.” (p. 8)</p> |
| <p>UN Committee on the Rights of the Child - Concluding observations on the combined third and fourth periodic reports of Ireland (March 2016)</p> | <p>“Significant numbers of Traveller households in mobile or temporary accommodation with no access to adequate water and sanitation facilities or safe and appropriate play areas.”</p> <p>“Drastic reductions in the provision of funding for accommodation.”</p> <p>“The criminalization of nomadism, pursuant to the Housing (Miscellaneous Provisions) Act, 2002 combined with the inadequate provision of transient halting sites, resulting in forced evictions and the suppression of nomadism as a cultural practice” (p. 16)</p> |
| <p>Committee on the Elimination of Discrimination against Women - Concluding observations on the combined 6th and 7th reports of Ireland (March 2017)</p> | <p>“Recommends that the State party take concrete measures to improve health, education, housing and employment outcomes for Traveller women and girls... The State party should also consider revising the Housing (Traveller Accommodation) Act of 1998 in order to sanction authorities when they fail to take measures to provide accommodation for Travellers” (p. 13).</p> |

Source: L&RS analysis.

2.6.1 Complaint under Article 16 of the Revised European Social Charter

One of the most significant recent developments in terms of international commentary on the provision of Traveller accommodation has been the decision of the European Committee on Social Rights in relation to a complaint brought under the Revised European Social Charter.³⁸ In April 2013, the European Roma Rights Centre, working with the Irish Traveller Movement and the Centre on Housing Rights and Evictions, filed a collect complaint against Ireland under Article 16, 17 and 30 of the *Revised European Social Charter*.

The European Committee of Social Rights published its decision on the merits of the complaint on 16 May 2016.³⁹ There was a unanimous finding “that there is a violation of Article 16 of the Charter on the grounds of insufficient provision of accommodation for Travellers”, however the Committee rejected several other complaints against Ireland. The Committee found that while the government efforts had fallen short they “nevertheless demonstrate that a particular attention has been accorded to their needs”... and that it is a “matter for the State concerned to determine what measures are necessary to ensure that local authorities or other bodies fulfil their statutory duties”.

The Committee was concerned about the quality of sites and concluded that “a not insignificant number of sites are in poor condition, lack maintenance and are badly located”. They were also concerned about lack of consultation prior to evictions, and concluded that Section 19 of the *Criminal Justice (Public Order) Act 1994* (as amended) has inadequate safeguards for Travellers threatened with eviction. Furthermore the Committee found that the *Housing (Miscellaneous Provisions) Act 1992* (as amended) also provides for inadequate safeguards for Travellers threatened with eviction. The Committee concluded that, “overall progress made in the provision of Traveller accommodation has been made over the last decades, even if further efforts needs to be made. Ireland has been found in conformity with Article 30 in the reporting system”.

In its response, accompanying the Committee’s decision, the government stated “the introduction of a central government record of data and information relating to eviction may help to assuage concerns in this regard and will be considered by the NTACC sub-group on data collections” and that the NTACC “evictions guidelines would be addressed as a priority in light of the decision of the ECSR”.

³⁸ The European Committee of Social Rights (ECSR) is the body responsible for monitoring compliance in the States party to the European Social Charter (a Council of Europe Treaty). For further information see: <https://www.coe.int/en/web/turin-european-social-charter>

³⁹ The decision of the European Committee of Social Rights is available here: https://search.coe.int/cm/pages/result_details.aspx?objectid=09000016806abcfa

2.7 Summary

Provision of Traveller accommodation has long been a focus of policy and law. As this section has demonstrated, the approach has evolved substantially over the decades since the 1963 Commission, and this shift towards multiculturalism, inclusion, and integration symbolically cemented in the recognition of Traveller ethnicity in 2017. This shift has influenced the nature of accommodation policy and there has been significant attention given to the provision of Traveller specific accommodation. Nonetheless, as the data in section one demonstrated, all of these efforts have only partially addressed the accommodation needs of Travellers and accommodation remains a key concern. This reality is reflected in various statements by Travellers themselves, as well as domestic and international commentators including the governments own bodies and the international human rights monitoring mechanisms. Given that generally there is agreement that the objectives and design of Traveller accommodation policy are adequate, the central question which emerges is why more substantial progress has not been made in realising these objectives.



Section 3: Key challenges

Despite the substantial policy framework described in section two, accommodation remains one of the biggest challenges facing the Traveller community. Accommodation is intrinsically linked with other social outcomes and the absence of quality accommodation is both a cause and a symptom of wider problems of social exclusion. Adequate housing is a pre-requisite for health, education, and employment. As Harvey has describes it, “accommodation is one of the most critical issues for the Traveller community. Improvements in health, for example, are ultimately dependent on the quality and environmental health of accommodation” (2013, p. 24).

Much of the commentary and analysis of Traveller accommodation has focused on the barriers to implementing this policy, and as this section will show there is now a reasonably developed understanding of the core challenges which face the provision of Traveller accommodation. The fact that there is significant consistency across this literature suggests that the policy problem is relatively well understood.

This section examines the key challenges which are identified in the available research and analysis. This section begins by looking at questions of choice and concerns that the needs of Travellers are not well understood. The second part of this section examines the situation of Traveller specific accommodation, and highlights challenges of providing and sustaining this type of accommodation. The third part examines the problems of overcrowding and homelessness experienced by Travellers as a consequence of inadequate accommodation. Section four looks at experiences of discrimination in the provision of accommodation, and the final part highlights questions with regard to the monitoring and reporting structures which are used to oversee the implementation of Traveller accommodation policy.

3.1 Choice and constraint

Greenfields and Smith (2010), in a academic paper which explores the ‘accommodation careers’ of Gypsies and Travellers in the UK, recall that the housing careers of minority groups tend to be described in terms of choice and constraint. In other words the housing choices of minority groups are a result of a combination of individual choice and external structural forces which constrain choice. For example, a Traveller may prefer transient accommodation but if that is not available then they may not be able to access this type of accommodation. All housing choices are in some ways constrained, but for minority groups the balance between choice and constraint is often curtailed by external factors defined by a cultural and social context different to that of the majority group. Untangling the balance between choice and constraint goes to the heart of the controversy

regarding Traveller specific accommodation and the consistent trend that many Travellers choose to live in standard housing (without necessarily weakening their cultural identity as Travellers).

In the UK, Greenfield and Smith conclude, while some “willingly exchanged the hardship of roadside or site life for running water and heating, the pace of transfer from sites into public sector housing has also been driven by the shortage of official sites, difficulties gaining permission for private sites and the virtual outlawing of nomadism” (2010, p. 398). In Ireland, as we have seen, official state policy is to facilitate Traveller culture through the provision of transient and permanent halting sites, as well as group housing schemes. However, Travellers are increasingly being accommodated in standard housing. The percentage of Traveller families living in Traveller specific accommodation has halved since 2002. In 2017, the annual count of Traveller families found that 2,746 families were living in group housing (798), in local authority halting sites (982), and on the road side (585). This represents 21% of all families, which is down from 44% in 2002. Overall, there are now fewer Travellers living in Traveller specific accommodation. What is controversial is the extent to which this shift is driven by choice or constraint and the balance between these two factors.

While there is evidence that many Travellers are choosing standard housing (Fanning, 2012), there is also evidence that Travellers feel they have no option but to take standard housing as Traveller specific accommodation is unavailable to them or it is unsuitable. Traveller representative groups claim that the demand for Traveller specific accommodation is significantly higher than the data collected by local authorities suggests. When Traveller organisations do their own assessment of needs they record higher levels of demand for Traveller specific accommodation (RSM, 2017a, p. 34). KW Research and Associates, in a study on why Travellers leave Traveller specific accommodation, commissioned by the NTACC, report that, “the national Traveller organisations and others contest the finding that 60% of Travellers want standard housing... arguing that Traveller families are so desperate they tick all housing options, not their preference” (2014, p. 33). However the findings of a 2017 Behaviour and Attitudes poll (figure 10) suggests the majority of Travellers would prefer standard housing, though there is still a substantial minority whose preference is Traveller specific accommodation.

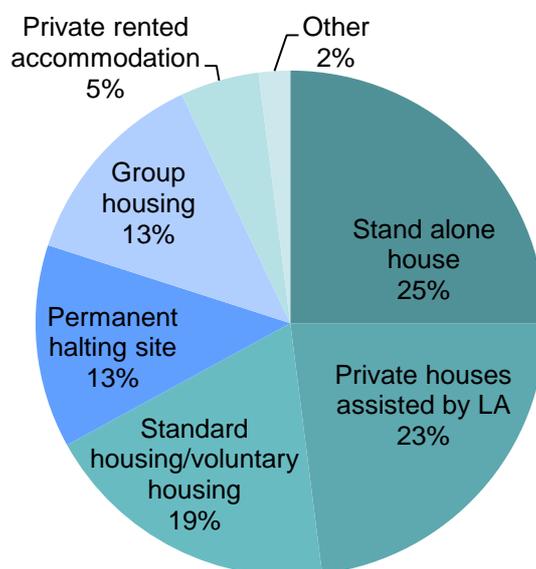
The Behaviour and Attitudes survey, prepared for the National Traveller Data Steering Group and the Community Foundation for Ireland (2017),⁴⁰ found that of those surveyed 62% believed the situation in relation to accommodation was worse than it was five years ago. In this survey 26% said that their ideal accommodation would be a group housing scheme or a permanent halting site,

⁴⁰ The Behaviour and Attitudes National Traveller Community Survey conducted in 2017 is available here: http://www.exchangehouse.ie/userfiles/file/reports/research/National_Traveller_Community_Survey_2017_07.pdf

while 67% expressed a preference for standard housing. Just 5% expressed the view that they would like to live in private rented accommodation. In 2015, the Housing Agency contracted RSM to undertake a review of the experiences of Travellers in private rented housing (RSM, 2017b). This report, published in 2017, drew on interviews with 71 Travellers including those who currently and have lived in private rented accommodation, and those who have never lived in this type of accommodation. This study found that Travellers viewed the private rented sector as a short term solution, and their preference is for standard housing or traveller specific accommodation.

As we saw in 2017, 21% of Traveller families were accommodated in local authority halting sites and group housing schemes, or occupied unofficial sites on the 'roadside', which suggested that while there is an overall preference for standard housing, there remains a significant gap between those who desire Traveller specific accommodation and those currently living in this type of accommodation. In 2017, 21% of Traveller families were living in the private rented sector, significantly higher than the 5% who wish to occupy this type of accommodation. The Behaviours and Attitudes Survey also found that 74% of Travellers live very close to their families, and 75% considered it very important to do so (living close to family is very important or fairly important for 89% of Travellers) (2017, p. 63).

Figure 10: Travellers in the Behaviours & Attitudes survey were asked what would be their ideal place to live (n 481).



Source: Behaviours and Attitudes Survey, July 2007.

Of the 481 Traveller who answered the Behaviour and Attitude survey question, 45% had never travelled (lived nomadically), and only 10% of Travellers still travel (compared to 31% in 2000); 54% of those who did travel stopped doing so at least ten years ago (2017, p. 66). Of those who had ever travelled but no longer do so (n 225), 37% said they stopped travelling because it was no

longer allowed or there were no places left, while 64% named personal or family reasons for no longer travelling (2017b, p. 68).

Several commentators and authors have suggested that approaches to assessing the future needs of Travellers have been inadequate. The RSM study for the Housing Agency concluded that all stakeholders agreed that “the assessment of future accommodation needs in relation to the creation of new family units was not fit for purpose. This leads to greater pressure on the demand for housing” (2017b, p. 6). There has been a specific difficulty in anticipating the needs of young families (2017b, p. 26). A particular problem named by Traveller representative groups is the quality of consultation with Travelers during the assessment of need process (2017a, p. 26). Overall then there remains challenges in meeting the cultural and housing needs both of the minority who still wish to live in Traveller specific accommodation, as well as those who would prefer settled accommodation but have not yet been adequately housed.

3.2 Traveller specific accommodation

The term ‘Traveller specific accommodation’ is used to refer to group housing schemes, and transient and permanent halting sites (authorised or unauthorised). The provision of cultural specific accommodation is a unique policy challenge which the State has grappled with for many years (2017a). Such accommodation needs to respond to a range of culturally specific needs which include: nomadism, proximity to family, access to horses and other social and economic activities. These needs have specific implications for the location and design of sites and housing schemes. These complexities have meant that the provision of Traveller accommodation has faced significant challenges. According to the Centre for Housing in NUI Galway,

“Traveller accommodation is a difficult area for local authorities to get right. Traveller families’ needs and preferences vary, can be difficult to clarify and if clear can be difficult to realise. Accessing appropriate sites throws up challenges; likewise the design and planning stages, construction, on-going management and maintenance, and inter-agency co-operation. Where Traveller-specific accommodation works well it seems to work very well, but when it does not, the results are all too visible and profound.” (Centre for Housing, 2008, p. ix)

In addition to complexities in identifying the specific preference for Traveller specific accommodation, failure to realise ambitions in terms of the provision of cultural specific accommodation can be described in two ways: (1) problems with planning and development of Traveller specific accommodation; and (2) problems in maintaining successful occupancy in such accommodation.

3.2.1 Planning and development

According to a 2009 report the three main barriers to *providing* Traveller specific accommodation, identified by local authorities, were: lack of suitable land, objections from local residents, and unrealistic Traveller expectations and Travellers changing their mind (Weafer and Associates Research, 2009). In addition this study identified other barriers perceived by local authorities: conflict/feuds between families, Traveller lifestyle, planning issues/time constraints, funding/cost of land, lack of trust between Travellers and local authorities, pressure from local representatives, and legal issues (2009, p. 33). These challenges have resulted in problems delivering Traveller specific accommodation when and where it is needed. For example, one study of accommodation provision in Offaly notes that:

“In County Offaly the demand for Traveller specific accommodation units/bays is high (illustrated by the number of families living on unofficial sites) yet the provision of new Traveller specific accommodation is limited (only two additional permanent caravan sites were provided in 2015 and none are proposed for 2016).” (Murphy, 2016, p. 9)

Several studies name planning issues as a significant barrier to the provision of Traveller specific accommodation (Norris and Winston, 2005, pp. 815–816). While halting sites do not require mainstream planning permission, there is a particular challenge in the arrangements for public consultation under part 8 of the 2001 planning and development regulations.⁴¹ Part 8 states that, for the named development, a local authority shall publish a notice of the proposed development in an approved newsletter, erect a site notice, send notice of the proposed development to relevant authorities. The authority will make the details of the development available for inspection. Such planning provisions, result in objections to the development of Traveller sites, and are often connected to failure to deliver accommodation. According to the 2017 RSM study,

“Consultees highlighted that the planning process is the most significant issue limiting the delivery of capital output under TAPs. It was reported by Traveller representatives and local authority representatives that objections from local “settled” residents and political pressure exerted by Elected Representatives tend to delay the planning process. It was suggested that this can have a direct impact on the achievement of targets, as developments may face extensive delays, hence, the opportunity to utilise funding is lost.” (2017a, p. 6)

3.2.2 Quality and safety

Where Traveller specific accommodation is successfully put in place, there are ongoing challenges with sustaining successful occupancy. According to the National Traveller and Roma Inclusion Strategy:

⁴¹ Part 8 of the Planning and Development regulations, 2011 is available here: <http://www.irishstatutebook.ie/eli/2001/si/600/made/en/print#part8>

“Travellers have reported that Traveller-specific accommodation is not being used by Travellers for the following reasons: tension, conflict and intimidation within and between Traveller families, the location and design of sites and schemes, health, overcrowding and poor maintenance / management of sites.” (2017, p. 13)

Despite the gap between the number of Travellers living in traveller specific accommodation and those who desire to do so, a 2014 study for the NTACC and the Housing Agency found that across 34 city and county councils the average ‘void’ rate for Traveller specific accommodation was 19%. The highest void rate was in basic service sites (32%), followed by permanent halting sites (24%). The void rate for group housing schemes was 10% (KW Research & Associates, 2014, p. 18). This study revealed considerable variation in the rate of voids by local authority, with the void rate ranging from 0% (four local authority areas) to 88%, though it should be noted that the overall numbers for each area are relatively small. For example, in the case of the local authority with an 88% void rate this represented 14 voids in permanent halting sites (KW Research & Associates, 2014, p. 19).

In this study for the NTACC, local authorities identified ‘internal tensions between Traveller Families’ as the largest reason why Travellers leave traveller specific accommodation (50%), though the report also notes that many of the local authority respondents suggested Travellers had a preference for other forms of accommodation, and therefore there was a reported “over-provision of certain types of Traveller specific accommodation” (KW Research & Associates, 2014, p. 19). Travellers and Traveller organisations did not share the view that there is an over provision of certain types of Traveller specific accommodation. They believe that Travellers are leaving this accommodation for a variety of reasons including: feuding, the location and design of sites and schemes, and the poor condition and lack of maintenance and management of certain locations. This report documented the view that when it is not possible to transfer to other Traveller specific accommodation that Travellers end up in the private rented market, which is not suited to their long term needs. The report for the NTACC recommended that what is needed is to “revamp the way Traveller specific accommodation is developed and managed and in that way encourage and enable those Traveller families whose preference is to live in Traveller specific accommodation to do so” (KW Research & Associates, 2014, p. 30).

Overcrowding is a particular problem in many sites (RSM, 2017a, p. 38). As we have seen since 2002, there has been a very significant increase in the number of Traveller ‘sharing housing’. In 2017, 1,115 families were recorded as sharing accommodation, more than four times the number recorded in 2002 (249 families). Caravans are often not designed as permanent dwellings or for the Irish climate and therefore there are ongoing issues with regard to the quality of this accommodation (RSM, 2017a). Several reports also suggest that there is poor maintenance of sites, while local authorities are reported as regularly refurbishing properties under the TAPS “the

reported level of demolition of properties that are in the region of 12-16 years old suggests a significant rate of deterioration” (RSM, 2017a, p. 6). According to the All Ireland Traveller Health Study:

“Considerable numbers of families who lived in Group Housing or sites reported a lack of footpaths, public lighting, fire hydrants and safe play areas, the latter being unavailable for 77.5% of ROI and 79.9% of NI respondents. A quarter of families (24.4% ROI and 24.8% NI) considered where they lived to be unhealthy or very unhealthy and again appreciable numbers (26.4% ROI and 29.0% NI) considered their place of residence unsafe.” (School of Public Health, Physiotherapy and Population Science, 2010, p. 46)

According to Traveller organisations the context of the broader housing crisis has contributed to deteriorating housing conditions for Travellers. As Travellers have moved away from private rented accommodation, they have relocated to “sites that are already overcrowded, unsafe and uninhabitable. This can create conditions for internal conflict, fire hazards, unnecessary accidents and conflict with residents living in close proximity” (Pavee Point Traveller and Roma Centre, 2016).

Following the devastating fire in a halting site in Carrickmines in 2015, which killed ten people, the National Directorate for Fire and Emergency Management (NDFEM) instigated a programme to review and enhance fire safety in local authority provided Traveller accommodation (National Directorate Fire and Emergency Management, 2016).⁴² This review revealed ongoing concerns with regard to the quality of Traveller specific accommodation and fire safety: 81% of units did not have a working smoke alarm and 83% lacked a working carbon monoxide alarm; proximity to other units was a problem in 54% of sites; and in 62% of sites the condition of electrical installations was problematic (2016, p. 30). This report documents the remediation works which have been put in place by local authorities, as well as a range of fire safety awareness raising strategies.

While there are significant problems in planning and implementing Traveller specific accommodation, there are also successes in the provision of good quality culturally specific accommodation which meets the needs of the Traveller community. One Traveller (from the Republic of Ireland) recorded in the All Ireland Traveller Health Study described a successful site,

“it was only open at the time 6 months and it had houses on it and it had day units. The houses obviously, they had 4 bedrooms in them. But for those who wanted to still live in a caravan, they had a unit with toilets and kitchen facilities and what ever and they also had a bay. And that’s what you call good accommodation.” (2010, p. 124)

⁴² The National Directorate for Fire and Emergency Management review is available here: https://www.housing.gov.ie/sites/default/files/publications/files/report_on_review_of_fire_safety_in_local_authority_provided_traveller_accommodation.pdf

In a study of the perspectives of local authorities Weafer and Associates identified the most important success factors for Travellers specific accommodation as: composition/compatibility of families sharing a group housing scheme; design and maintenance; location; consultation with Travellers; meeting needs; and interagency involvement (2009, pp. 12-13).

Overall the provision of Traveller specific accommodation for those who need it has proved a challenging and complex policy problem, despite the existence of a comprehensive policy framework and the allocation of significant funding. The literature demonstrates challenges in developing such accommodation in the first place, as well as in maintaining successful tenancies. Despite these challenges there are examples of good practice, and where it works, Traveller specific accommodation is regarded as very successful strategy in responding to the cultural needs of many Travellers.

3.3 Homelessness and overcrowding

As we have seen, while the number of Traveller families living on the 'roadside' has decreased since 2002, there has been a marked increase in those sharing housing. Taken together in 2017 1,700 families were recorded as either sharing housing or occupying unauthorised sites. Traveller representative organisations have argued that this represents a significant proportion of Traveller families who fall into the category of 'hidden homelessness' (Murphy, 2016). Census data supports this picture of significant overcrowding, with the finding that "nearly two in five Irish Traveller households (39.1%) had more persons than rooms compared with less than six per cent of all households" (Census, 2016).

Traveller families appear to have been disproportionately impacted by the homelessness crisis. According to an *Irish Times* report in August 2018 Focus Ireland referred 46 families to Garda stations when no emergency accommodation was available, eight of these were from the Traveller community.⁴³ The number of homeless Irish Travellers recorded in the 2016 Census was 517 (7% of the total homeless population in 2016 and 2.5% of the recorded Traveller population). Traveller vulnerability to homelessness is compounded by poverty and social exclusion, as one study of Travellers in Offaly concluded:

"Travellers are at high risk of experiencing homelessness. Lower levels of educational attainment than the general population, coupled with endemic unemployment (84.3% unemployment rate in 2011 Census), social welfare reliance, high levels of poverty, high levels of disability and other health

⁴³ The Irish Times report 'Half of families sleeping in Garda stations are Travellers or Romanian' (13.08.2018) is available here: <https://www.irishtimes.com/news/social-affairs/half-of-families-sleeping-in-garda-stations-are-travellers-or-romanian-1.3594025>

issues, means that Travellers are less able than the wider population to source accommodation from their own resources.” (Murphy, 2016)

Ending homelessness is further undermined by the widespread experiences of racism and discrimination which face Travellers in the private rental market (RSM, 2017b).

3.4 Discrimination

Travellers are amongst the most discriminated against groups in Irish society. According to the ESRI, “a background and history of extreme prejudice and discrimination against Travellers has necessitated their identification as a group to be protected against discrimination under Irish equality legislation” (2017, p. 2). A Behaviour and Attitudes survey published in 2017 revealed that 77% of Travellers stated that they had experienced discrimination in the past year, and 90% said they had experienced discrimination ever (2017, p.86). This survey found that the general public’s overall view of Travellers has remained largely consistent between 2001 and 2017. In 2017, 31% had a positive view of Travellers and 31% had a negative view (with 39% recording a ‘neutral’ view), and 35% of people said they would avoid the company of Travellers (2017, p. 105). One impact of such discrimination is that Travellers hide their identity; this survey concluded that “Travellers believe the vast majority of the community is adapting their behaviour and the way they present themselves in multiple areas of life to ‘fit in more” (2017, p. 121).

While discrimination impacts all aspects of Travellers lives, its impact on accommodation is specific and significant. As we have seen, local communities and local politicians frequently object to the provision or maintenance of Traveller specific accommodation. Furthermore, there is evidence that experiences of prejudice and racism from neighbours, contribute to social isolation (RSM, 2017a, p. 17). In the Behaviour and Attitudes survey 39% of Travellers said they had experienced discrimination from a housing authority (up from 33% in 2000), 20% had experienced discrimination from landlords, and 17% from estate agents.

There is strong evidence that Travellers experience widespread discrimination in accessing the private rental market. In a 2014 study of the private rented sector, 82% of landlords said they would not rent to members of “the travelling community” (DKM Economic Consultants et al., 2014, p. 47), while 95% of landlords were happy to rent to non-Irish nationals and 66% said they were happy to rent to social housing tenants. The most significant reasons given for not renting to members of the Traveller community was that they were ‘worried about damage to property’; 20% of landlords said they based their view on previous experience. This survey also found that only 24% of estate agents believed that landlords are willing to rent to members of the Traveller community (15% in Dublin and 31% in the rest of the country) (2014, p. 59).

In summary, Travellers face very specific challenges that can mean that they are more likely to find themselves homeless and, once they are, it is even more challenging for them to find their way out of homelessness. Poverty and exclusion are exasperated by discrimination, which compound the challenges facing the Traveller community when the available accommodation options fail.

3.5 Monitoring and reporting

A core theme in the various reports and analysis of the experiences of Traveller accommodation policy has been challenges in relation relating to implementation structures, and monitoring and reporting processes. As we saw in section two, the 1998 Act introduced a process whereby the Traveller Accommodation Programmes developed by local authorities would be monitored by local advisory bodies, the LTACCs. The NTACC guides and advises on the implementation of policy determined by the Department. Several studies have raised the weaknesses of these structures, though there are differing views.

According to Weafer and Associates (2009) in general local authorities were satisfied with the operation of LTACCs. According to this report, 33% felt their LTACC was totally effective or very effective and another 41% thought it was quite effective (2009, p. 19). However, this positive view of the LTACCs is not shared by other stakeholders and commentators. The study by RSM (2017) found a number of issues relating to the governance of commitments on Traveller accommodation including:

- The lack of review and amendments to Traveller Accommodation Programmes over the course of the programme.
- Weaknesses in data collection.
- Inadequate engagement and consultation with local communities.

According to this report,

“The national Traveller representative groups reported that, in their view, there is sufficient funding made available to deliver Traveller accommodation. Representatives stated that they believe the issue is that local authorities are not willing to meet their responsibilities to deliver Traveller-specific accommodation such as group housing, halting sites or transitory sites for Travellers who are nomadic.” (RSM, 2017a, p. 17)

Fanning (2012) concludes that the imposition of a top-down policy vision has failed to realise substantial outcomes. Writing about the experience in Co. Clare, he concludes:

“By the end of the century a top-down national project of integration, exemplified by the Report of the Task Force on the Travelling People (1995) remained unreconciled with the persistence of a politics of exclusion among the local authorities to whom ‘the Traveller problem’ had been devolved.” (2012, p. 145).

A key issue in the debates on Traveller accommodation has been the mechanisms available to hold housing providers to account, and Traveller representative organisations have consistently called for the introduction of sanctions to be applied to authorities which do not meet their targets. This call, alongside efforts to secure the establishment of a statutory national agency for Traveller accommodation, has not been realised. Principles such as subsidiarity and the power of local authorities remain at the heart of the debate on administrative structures. In a 2009 review of the case law, Crowe and Kenna concluded that “the courts have recognised that there is a limit to any housing authorities financial resources and available land, and do not impose an undue burden on them. Sometimes this can conflict with individuals needs expressed in terms of rights” (Crowe and Kenna, 2009, p. 7) and “while Traveller are entitled to halting sites accommodation and the applicant may express a preference for a type pf accommodation there is no obligation to immediately provide this type of accommodation, as the local authority must also have regard to all other people who have housing needs” (Crowe and Kenna, 2009, p. 7). As we shall see in the last section of this *Spotlight*, the dichotomy between top-down and bottom-up approaches is one that is widely made in the literature on policy implementation.

3.6 Summary

The challenges of realising government commitments are widely acknowledged and understood in the available literature and commentary. Though there may be different perspectives, the consistency of the analysis suggests that the policy problem is widely understood. There is a gap between the accommodation needs of Travellers and the accommodation that is available to them, both in terms of Traveller specific accommodation and mainstream accommodation. This section has revealed substantial difficulties in both delivering and sustaining Traveller accommodation, and problems of quality, overcrowding and homelessness. These problems are compounded by deep-seated experiences of discrimination and exclusion, as well as challenges within the Traveller community, such as conflicts or feuds. Several commentators have suggested that the current infrastructure to realise Traveller accommodation is inadequate and that the reliance on top-down policy design with bottom-up delivery mechanisms has not secured the desired outcomes.

Section 4: Lessons from policy implementation

The preceding sections of this *Spotlight* presented the available evidence for the continuing ‘policy problem’ of Traveller accommodation, and described the policy and legal frameworks which have developed, in particular since the adoption of the 1998 *Traveller Accommodation Act*. Given the challenges of securing ‘policy outcomes’ in the provision of Traveller accommodation set out in section 3, it is useful to explore what the growing literature on policy implementation can tell us about failure to fully realise policy objectives in relation to the provision of Traveller accommodation. This short review of the policy implementation literature, will briefly introduce the concept of policy implementation before describing in more detail one framework for assessing policy implementation which was developed by Richard Matland, Associate Professor of political Science in the University of Houston, in 1995. The section ends by applying Matland’s ‘Ambiguity-Conflict Model’ to the experience of Traveller accommodation, and explores how the broad range of policy and legal options discussed at the Joint Oireachtas Committee on Housing Planning and Local Government on 8 March 2018, relate to Matland’s framework.

4.1 Policy implementation

In the international literature on policy formation there is a growing focus on the challenges of implementing policy; the field of study known as ‘implementation science’ explores “the failure to turn public policies into practice and deliver the intended outputs and outcomes” (Ansell et al., 2017, p. 467). According to Johnston, “policy implementation has various definitions, but it is essentially about ‘how government put policies into effect’” (2014, p. 8). Johnston quotes Mazmanian and Sabatier,

“Implementation is the carrying out of a basic policy decision, usually incorporated in a statute, but which can also take the form of important executive orders or court decisions. Ideally, that decision identifies the problem(s) to be addressed, stipulates the objective(s) to be pursued, and in a variety of ways ‘structures’ the implementation process.” (1983, p. 20-2, quoted in: Johnston, 2014)

Implementation has moved from being conceived of as a late stage in the policy process, to a more central concern in recognition of the fact that it cannot be taken for granted and that ultimately failures of implementation undermine democracy and the capacity of elected representatives to govern (Ansell et al., 2017, p. 467). There is an ongoing debate as to whether successful policy implementation means faithful implementation of a prescribed course of action, or whether it should mean that the objectives of a policy have been achieved, with less emphasis on the means. In an ideal world well designed policy is implemented and consequently the policy problem at hand is resolved. In reality, policy processes are often messier than this.

Implementation is a consequence of both policy design and policy execution. An ‘implementation gap’ can emerge either where a policy is not well designed and therefore difficult or impossible to implement (Ansell et al, 2017), or where the implementing institutions and processes do not have the capacity or will to drive implementation. For these reasons, Ansell et al. suggest that: “policy design must be conceived of as an on-going process that flexibly adapts as implementation challenges unfold” (2017, p. 469). Similarly Hill and Hupe have argued for the need to move away from defining the policy process as a linear experience with distinct stages and to move towards “a more complex model of the way in which policy decisions are inter-related or ‘nested’” (Hill and Hupe, 2006, p. 557). As we have seen, there is a long history of policy initiatives on Traveller accommodation, but one of the identified limitations of the existing infrastructure is that there is very little review and amendment of TAPs during their five year cycles (RSM, 2017a).

A key theme of this literature on policy implementation is the role played by collaborative policy making, whereby all affected stakeholders (decision-makers, implementers, and service users) are involved in the policy design and therefore have a stake in its implementation. Maureen Gaffney has argued that in the Irish case “many of the failures in policy implementation in the public services can be traced to the new policy being seen mainly as a set of tools or management initiatives that has not been internalised into the local culture” (quoted in Johnston, 2014, p. 16). For Ansell et al. (2017) collaborative policy making is a two-way process; collaboration with ‘downstream actors’ (front line implementing staff) improves policy execution by integrating design and implementation processes, while engaging ‘up stream’ (policy designer) actors with implementation will feed into subsequent refinement and policy redesign. In this way, decision makers and implementers share a stake in the transition from design to implementation and move beyond a dynamic whereby the different stages of the policy process are ‘someone else’s problem’ (Ansell et al, 2017, p. 473). One of the most frequent critiques of the implementation of Traveller accommodation policy is that the LTACCs have not proved to be reliable spaces for policy cooperation, and the view that these local structures are not adequately accountable to and engaged with the national policy infrastructure (RSM, 2017a). According to a study by RSM Traveller representatives report their view that some politicians are “involved in LTACCs for the purposes of opposing Traveller accommodation” (2017a, p. 33).

A further theme in the policy implementation literature is the significance of the social and economic context in which policy implementation takes place. In a study of centralised rent setting for social housing in England, Marsh and Walker emphasize the “role of context, as opposed to the policy design or communication, in getting a policy to ‘stick’” (2006, p. 195). The backdrop of a legacy of austerity, the consequent reduction in government funding, and the ongoing housing and homelessness crisis, have provided a very difficult context for policy which addresses Traveller

accommodation in recent years. However, as we have seen the challenge of the implementation deficit predates the social and economic crisis which Ireland experienced after 2008. The experience of Traveller accommodation is familiar to these debates about the interconnections between policy design and implementation, collaborative policy making and the role of context. However, what is perhaps more interesting is to better understand which strategies and approaches will increase the likelihood of well designed policy being implemented. For Meyers et al., “there is a need for knowing how to increase the likelihood of quality implementation” (2012, p. 464). Several authors have suggested frameworks for interrogating implementation process. While a comprehensive review of such frameworks is beyond the scope of this *Spotlight*, it will briefly draw out one approach which helps to explain the problems of implementing Traveller accommodation.

4.2 Ambiguity-Conflict Model of policy implementation

Reviewing the literature on policy implementation in 1995 Matland proposed a framework which focuses on the significance of ambiguity and conflict for policy implementation. Policy *conflict* will exist when more than one actor sees the policy as relevant to its interests and there are incongruous views (1995, p. 156). Conflict intensifies where there is increased incompatibility of concerns and where there is a perceived increase in the stakes – the more important a decision is perceived to be, the more significant the conflict. Very often policy conflict is linked to incompatibility of values, and cannot be solved by adjusting the policy or by providing additional resources. Policy conflict can be reduced by policy ambiguity, as Matland succinctly puts it “the clearer goals are the more likely they are to lead to conflict” (1995, p. 158).

For Matland, *ambiguity* can broadly be described as arising from two sources: ambiguity of goals and ambiguity of means. Ambiguity of goals occurs where there is a fragile policy coalition or where there is a poor understanding of the problem. Ambiguity of means can arise when there is a lack of clarity around the most appropriate solutions (particularly in a complex environment) or where the technology does not currently exist to address a problem. Matland goes to some length to point out the positive role of ambiguity in decision-making, and for that reason “... the system routinely produces policies with ambiguous goals and exceedingly ambiguous means” (1995, p. 159). Consequently, it is inevitable that there will frequently be some ambiguity which will impact upon the implementation process.

Using these concepts of conflict and ambiguity Matland devises a four part framework for understanding the dynamics of policy implementation. Figure 11 illustrates how implementation contexts can be characterised as having high or low conflict and high or low ambiguity, providing for four possible scenarios. Each box in the diagram presents one of these descriptions of the implementation process, and identifies the central principle determining outcomes for this type of

implementation and an example of a policy that fits this category. In reality, few implementation processes will fall neatly into one of these quadrants but Matland's approach offers a useful way to think through the implementation dynamics which are in play for any given policy.

Figure 11: Ambiguity-Conflict Model – Policy Implementation Processes.

| | | Conflict | |
|------------------|------|--|--|
| | | Low | High |
| Ambiguity | Low | <p>1. Administrative Implementation</p> <p>Resources</p> <p>E.g. Smallpox eradication</p> | <p>2. Political Implementation</p> <p>Power</p> <p>E.g. Busing children to school to ensure school integration</p> |
| | High | <p>3. Experimental Implementation</p> <p>Contextual Conditions</p> <p>E.g. A pre-school summer programme for children from low-income families</p> | <p>4. Symbolic Implementation</p> <p>Coalition Strength</p> <p>E.g. Community Action Agencies which were established to empower citizens locally</p> |

Source: Matland, 1995, p. 160

Using this framework Matland characterises four types of policy implementation experiences.

1. **'Administrative implementation'** (characterised by low policy ambiguity and low policy conflict), in which goals are given and the means for solving existing problems are known. Generally outcomes are subject to resources and implementation failure tends to be a question of resources or technical problems. The policy system is relatively closed to outside influence, and there tends to be consistency of approach and outcomes across different settings.
2. **'Political implementation'** (characterised by low policy ambiguity and high policy conflict) is typical of political models of decision making where clearly defined goals are incompatible. For these policies, compliance is not automatic, especially where resources are controlled by those who are sceptical towards or oppose the policy. In this case, implementation outcomes are decided by power which can be used to coerce outcomes or sufficient means to bargain for an outcome. Coercion can be effective where the desired outcomes are easily monitored, and low levels of ambiguity can make monitoring compliance more straightforward.
3. **'Experimental implementation'** (high policy ambiguity and low policy conflict) in which outcomes depend largely on which actors are active and most involved, which can vary from site-to-site and therefore results in different implementation approaches. The central principle at play is that contextual conditions will dominate implementation. The high levels of policy ambiguity mean that local actors and resources will determine what happens. Low levels of conflict can mean that multiple actors may participate in a policy, and those with the strongest views will have an opportunity to shape outcomes. The advantage of such variation is that multiple sites of implementation can be treated as experiments from which policy learning is generated.
4. **'Symbolic implementation'** (high policy ambiguity and high policy conflict), Matland notes, may seem implausible given his argument that ambiguity reduces conflict, nonetheless it is possible to have high levels of conflict where there is policy vagueness. Ambiguity in this case is important because it will result in variation, and given the conflict it is coalition strength which will determine outcomes. As such "the policy course is determined by the coalition of actors at the local level who control the available resources" (1995, p. 168). In particular,

“Policies aimed at redistributing power or goods are perhaps the most obvious examples of programs that fall under this category. Policy goals often provide little information to a policy designer about how to proceed, yet the symbols are sufficient to create significant opposition before any plans are promulgated.” (1995, p. 169)

For Matland strategies and actions which impact upon conflict or ambiguity will push the implementation experience from one category to another. For example, in his discussion of symbolic implementation Matland notes that decreasing ambiguity can push a policy issue towards political implementation, because “when the policy is very clear, the macro level actors are able to exert considerable control, and this becomes a case of political implementation” (1995, p. 170). For the purposes of this *Spotlight*, what is of interest is the ways in which this framework might help to explain the experience of Traveller accommodation policies, and how it might suggest policy can be developed in the future in order to promote stronger implementation.

4.3 Traveller accommodation: A case of symbolic implementation?

Writing in 2005, Norris and Winston concluded that policy on Traveller accommodation had fallen foul of a significant policy ‘implementation gap’. As the earlier sections describe, there is evidence that the Traveller accommodation programmes have not adequately met the changing needs of Travellers, existing targets are not consistently realised, and where accommodation is provided this is not always in response to the needs of Traveller families and there are challenges in sustaining occupancy. There are, therefore, significant problems of policy implementation.

However, the implementation of Traveller policy is not a straightforward case study in the terms presented in much of the policy implementation literature (Norris and Winston, 2005). This is a policy which is informed by relatively clear legal frameworks and national level policy objectives, healthy government funding (at least outside the period of austerity), and adequate data for informing policy (though with room for improvement). This would suggest that, “some factors, which are commonly identified in the literature as barriers to effective implementation, are not significant in the case of Irish Traveller accommodation policy” (Norris and Winston, 2005, p. 812).

This *Spotlight* will suggest that despite many of the key ingredients for effect policy implementation being in place, nonetheless the experience of Traveller accommodation falls into Matland’s category of *symbolic implementation*. Despite unambiguous national policy objectives, Traveller accommodation has been dogged by significant ambiguity at local level; this is particularly evidenced in the controversies and debates concerning whether Travellers prefer standard housing or Traveller specific accommodation. This ambiguity is facilitated by the contradiction that Norris and Winston describe between a central government being prepared to adopt “relatively radical multicultural objectives” but not being responsible for their implementation (2005, p. 818).

Ambiguity is further illustrated by the existence of contradictory policy statements at local level. For example, several authors point to the fact that local Traveller accommodation programmes and local development plans can fail to support each other.

This ambiguity is not surprising when one considers that the provision of Traveller accommodation can be highly conflictual locally. Conflicts of interest (perceived or real) between local communities and the Traveller community have led to significant politicisation of the provision of Traveller accommodation. As we have seen there remain high levels of prejudice and negative stereotyping of Travellers. Consequently, while Traveller accommodation policy does not appear conflictual at the national level, locally the implementation of national policies are significantly problematized.

That is not to suggest that Traveller accommodation fits neatly into Matland's 'symbolic implementation' box, but rather than his analysis of ambiguity and conflict help to explain some of the difficulties in implementing Traveller accommodation policy. There is evidence that Traveller accommodation can be a case of political implementation such as, for example, where legal cases have been taken to ensure provision. Where individual local contexts are conducive to innovative provision, Traveller accommodation policy can be described as a case of experimental implementation. The latter is particularly important in terms of enhancing learning about policy design and implementation. It is also feasible that Traveller accommodation could be a case of administrative implementation in a local context where conflict is low and there are clearly agreed objectives.

The challenge for policy designers and implementers is to work towards reducing conflict and local ambiguity, while also taking account of how best to realise policy ambitions where ambiguity and conflict are significant factors. This may require some redesign of the institutional architecture, such as, for example, the centralisation of power through the establishment of a statutory National Traveller Accommodation Agency. However, though most of the studies which this paper has looked at suggest that the core challenge is to make the existing architecture work better rather than to redesign it at the national level.

Table 5 further explores the relevance of Matland's Ambiguity-Conflict Model by examining the range of proposals and ideas which were raised during a discussion of Traveller accommodation at the Joint Oireachtas Committee on Housing, Planning and Local Government on 8 March 2018. This discussion involved the Minister of State at the Department of Housing, Planning, Community and Local Government, Damien English TD, as well as representatives from the Housing Agency, the County and City Management Association, and Traveller organisations. This table names each recommendation, proposal or idea made by someone during the Committee meeting, and

identifies whether this proposal would have a role in addressing either policy conflict or policy ambiguity. The table also identifies the likely central determining principle for policy implementation. This table is not intended to be a comprehensive analysis of all the available policy options, but rather provides an overview of those options identified by various stakeholders during this Committee discussion.

Table 5: Ambiguity-Conflict Model analysis of recommendation and proposals to address Traveller accommodation

| Recommendations discussed at the Joint Oireachtas Committee on Housing, Planning and Local Government, 8 March 2018 ⁴⁴ | Matland 1995 | | |
|---|--------------|-----------|-----------------------|
| | Conflict | Ambiguity | Principle |
| CENTRAL GOVERNMENT INITIATIVES | | | |
| Increase funding and/or restore funding to 2008 levels; Provide for multi-annual funding of Traveller accommodation; Address consistent underspend of budgets | | ✓ | Resources |
| Introduce sanctions or removal of powers where local authorities fail to deliver statutory obligations | ✓ | | Power |
| Introduce a moratorium of evictions where local authorities fail to realise their commitments | ✓ | | Context |
| Establish an expert group on policy, strategy and implementation ⁴⁵ | | ✓ | Power |
| Establish a centralised body to oversee implementation | ✓ | | Power |
| Amend the loan and grant scheme for the purchase of caravans to ensure a standard national model of implementation | | ✓ | Context |
| Planning decisions should go through An Bord Pleanála, with reference to the TAP; Tackle delays in the planning process | ✓ | | Power |
| Avoid developing next round of TAPs in the context of local elections | ✓ | | Context |
| Develop national level basic specification for Traveller accommodation (template designs) | | ✓ | Resources |
| Incorporate a right to housing into Irish law | | ✓ | Power |
| Enhance consistency of performance monitoring across LAs | | ✓ | Power |
| Address high levels of homeless families from a Traveller background | | | Context |
| Undertake a detailed assessment of the key planning challenges (Part VIII, Section 183 etc.) | | ✓ | Context |
| LOCAL IMPLEMENTATION | | | |
| Address the situation of vacant properties | | ✓ | Resources |
| Specify sites for Traveller accommodation in county development plans | | ✓ | Power/ Coalition |
| Enhance local political leadership/commitment | | ✓ | Power |
| Condition surveys of Traveller accommodation should be carried out more frequently (quality and overcrowding) | | ✓ | Resources /context |
| More effective assessment of needs of Travellers | | ✓ | Context |
| Facilitate choice by providing suitable options (within reason and resources) | | ✓ | Resources |
| Improve provision of transient sites | | ✓ | Resources |
| Improve relationships between LAs and Travellers, and between the settled community and Traveller community | ✓ | | Coalition |
| Strengthen engagement with Travellers | ✓ | | Coalition |

Source: L&RS Analysis. This analysis is provisional and intended to facilitate further discussion of the key implementation challenges facing the provision of Traveller accommodation.

⁴⁴ Joint Oireachtas Committee on Housing, Planning and Local Government on [8 March 2018](#).

⁴⁵ The first meeting of the Expert Groups was convened on 11 September 2018; see report in the Irish Times (12.09.2018) '[English seeks solution to Traveller accommodation crisis](#)'.

4.4 Summary

This *Spotlight* has briefly introduced the literature on policy implementation, which explores the barriers and challenges in realising policy goals. Increasingly implementation is recognised as a key democratic imperative and various authors have explored ways of assessing implementation and designing mechanisms that can support implementation. This *Spotlight* has introduced one such mechanism - Matland's Ambiguity-Conflict Model. This model presents useful insights for those concerned with the implementation of Traveller accommodation policy and offers a way of exploring the significance of both policy ambiguity and conflict. Table 5 provides an overview of how the Ambiguity-Conflict Model can be applied to the proposals and ideas put forward during a discussion of Traveller accommodation at the Joint Oireachtas Committee on Housing, Planning and Local Government on 8 March 2018.

Conclusion

Meeting the accommodation needs of the Traveller community has proved a persistent and intransigent policy problem for the Irish State. Despite some success, official data and numerous comments and reports reveal that accommodation remains a central concern for the Traveller community. According to the 2017 local authority count, 585 families were stilling living on the roadside and 1,115 (10% of all Traveller families) were 'sharing housing'. A further 2,387 families were recorded as living in the private rented sector, despite evidence that this is not the preferred occupancy of Traveller families. Traveller families disproportionately experience homelessness, and of those who are living in Traveller specific accommodation many face inadequate quality and overcrowding. These challenges, however, are not inevitable and the accommodation needs and preferences of many Traveller families have been met.

Traveller accommodation policy is not a typical case study of weak policy implementation because it is characterised by certain factors which are widely identified as conducive to strong implementation. For over twenty years there has been a clear policy and legal framework on Traveller accommodation, and the Government has allocated significant resources to realising these ambitions. This *Spotlight* has sought to explore some of the factors which help to explain the 'implementation gap'. Using Matland's Ambiguity-Conflict Model, the *Spotlight* has suggested that the experience of Traveller accommodation has been characterised by significant policy ambiguity at local level, illustrated not least by the on-going debates about Traveller preferences and needs. Furthermore, Traveller accommodation policy is also characterised by high levels of conflict at local level. Consequently, this *Spotlight* has identified Traveller Accommodation policy as a case of 'Symbolic Implementation'; however, this characterisation is neither universal nor inevitable.

Matland identifies four key principles which can be used to move away from 'symbolic implementation' towards stronger implementation. These principles are: resources, power, contextual conditions and coalition strength. This *Spotlight* has concluded that in considering any revision of the law and policy on Traveller accommodation these four principles could be usefully interrogated in order to identify specific actions and initiatives which would be most likely to strengthen the implementation of Traveller accommodation policy.

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