

NIHE response to consultation on

‘Outlining Minimum Standards for Traveller Accommodation’, Equality Commission for Northern Ireland (2009)

The response will follow the structure of the report:

Chapter 1 Executive Summary (P.7)

It is stated that the project outlines minimum standards to be applied variously to forms of Traveller accommodation, both permanent and temporary and that the term ‘temporary accommodation’ applies to tolerated or co-operation sites, emergency sites and transit sites.

To ensure clarity at the outset and in terms of overall introduction to the research we would suggest it would be helpful to provide agreed definitions of types of Traveller specific accommodation in Northern Ireland i.e. Group Housing, Serviced sites, Transit sites, Emergency halting sites.

Traveller accommodation definitions:

Group Housing: Residential housing developments, with additional facilities and amenities, specifically designed to accommodate extended families of Travellers on a permanent basis.

Serviced Site: A range of managed accommodation where Traveller families have a permanent base to park their caravan or erect timber framed Sectional Building; where electricity, water and sewerage is provided and where other facilities such as communal or individual amenity units may be provided.

Transit site: A basic facility, where Travellers may park their caravans on a temporary basis, and where electricity, water and sewerage disposal are provided.

Emergency Halting Site: A temporary place to park with basic facilities managed under Co-operation Policy principles.

It should be noted that the term ‘tolerated site’ has not been a term in common usage from 1999. The New Policy on Accommodation for

Travellers, DOE (NI) 1999) considered the term 'Toleration' inappropriate at the time given the developments on the concepts of equality, diversity and social inclusion. The Toleration Policy was reviewed and superseded by the Co-operation policy. The Housing Executive do not provide Co-operated sites but takes the lead in relation to unauthorised encampments where Travellers generally park for a short period on public land and there is enaction of the Co-operation Policy principles and procedures, if appropriate.

Broad standards cannot be applied to 'Co-operated sites' as they can occur anywhere e.g. car park, lay by, at the side of the road. The Co-operation Policy is a response to a short-term situation only and NIHE has no influence as to where they occur or exist, in general. Such sites depend entirely on the co-operation of the landowner. It is recommended the report is amended to reflect the above position. It should also be noted that there is some confusion in the report as to the number of transit sites operating in Northern Ireland. There are three – Ballyarnet and Daisyfield, Londonderry and Greenbrae, Strabane.

Context (P.7)

In this section it is stated that the need to address the accommodation needs of Travellers is central to tackling the social exclusion experienced by Travellers. The report highlights the critical role of government and government agencies in providing adequate and suitable accommodation that meets their needs and the need to promote equality of opportunity and good relations among Traveller households and between Travellers and the wider community. Reference is made to the 2008 Needs Analysis by the Housing Executive and that identification of 449 households across Northern Ireland should make the provision of sufficient levels of adequate and suitable accommodation for Travellers as an achievable policy objective.

In relation to the provision of sufficient levels of adequate and suitable accommodation for Travellers as an achievable policy objective the Housing Executive would agree and confirm that this is reflected in the NIHE's 2009-12 Corporate Plan.

However we would take the opportunity to highlight the numbers quoted should read that the Needs Assessment actually identified 531 Traveller households in Northern Ireland of which 449 face to face interviews were carried out.

In relation to the statement in the research about PSI it should be noted that the PSI Working Group set up in 2000 identified 33 recommendations aimed at improving the lives of Travellers in areas

such as health, education and accommodation and the two recommendations relating to accommodation have been achieved. In this regard though it is recognised that much more needs to be achieved, considerable progress has been made by the Housing Executive in addressing the accommodation related recommendations and the long standing nature of lack of consideration through planning for and provision of Traveller specific accommodation.

The NIHE's 2008 Traveller Accommodation Needs Analysis, which involved peer researchers from the Traveller Community, identified 531 Traveller households in Northern Ireland of which 449 face to face interviews were carried out with individual households representing 1,486 individuals (P.23 para 6 also).

Project Objectives (P.8)

The Housing Executive acknowledge the research objectives. However we would take this opportunity to query/clarify the terminology used. When referring to accommodation standards the report outlines minimum standards to be applied variously to forms of Traveller accommodation, both permanent and temporary and that that the term 'temporary accommodation' applies to tolerated or co-operation sites, emergency sites and transit sites.

To ensure clarity at the outset and in terms of overall introduction to the research we would suggest it would be helpful to provide agreed definitions of the various types of Traveller specific accommodation in Northern Ireland. (Definitions are included above).

In addition we would point out that the term 'Tolerated site' has no legal basis and has not been used by NIHE in the development of recommendations or policy since taking on responsibility for Travellers in 2003.

The New Policy on Accommodation for Travellers, DOE (NI) 1999) considered the term 'Toleration' inappropriate at the time given the developments on the concepts of equality, diversity and social inclusion. The Toleration Policy was reviewed and superseded by the Co-operation Policy. The Housing Executive do not provide Co-operated sites but takes the lead in relation to unauthorised encampments where Travellers generally park for a short period on public land and there is enactment of

the Co-operation Policy principles and procedures, if appropriate. It is recommended that the report is amended to reflect the above position.

Methodology (P.8)

The project involved a desktop review of relevant policy and legislation and research related to minimum standards as well as case study analysis of selected examples in Northern Ireland and further afield; face to face interviews with key stakeholders involved in the development and management of Traveller accommodation and those working with Travellers to meet their housing needs; face to face interviews with fourteen members of the Traveller Community; visits to nine sites in Craigavon, Belfast and Cork.

While acknowledging that project methodology is sound, caution should be exercised when drawing general conclusions relating to the findings uncovered. In particular the report draws heavily on the 14 face to face interviews held with Travellers. NIHE staff have been advised that most of the 14 face to face interviews with Travellers appear to have been carried out in Craigavon and Belfast, which included one group session with 7 Traveller women in Craigavon. While the views of the interviewees are important, the views of the rest of the Traveller population in Northern Ireland would appear not to have been sought. It should be highlighted as per the Travellers Accommodation Needs Assessment that 187 Traveller households (42% of 449 Traveller households interviewed) live in social housing.

Key findings (P.9)

Undersupply of suitable accommodation (P.9)

The Housing Executive accept there is an undersupply of Traveller specific accommodation. However it is stated that the Travellers interviewed reported that some Travellers are forced to accept 'bricks and mortar' accommodation and a perception that their right to a nomadic way of life was not understood or supported by authorities. We would query how this perception was substantiated in light of the fairly small Traveller Community sample. In the 2008 Accommodation Needs Assessment 42% of the Traveller families interviewed lived in social housing and the majority said they were happy in this accommodation. Of the 202 families interviewed who said their current accommodation was not their preferred accommodation, four families currently in social

housing said their preferred accommodation was a serviced site and one family in social housing said they would prefer a transit site.

Standards in relation to site provision (P.9)

The research found that where Group Housing or 'bricks and mortar' housing has been provided it has generally been of a 'decent standard'.

It should be noted that Group Housing provided for Travellers has been built to standards comparable and in some cases exceeds those in social housing stock. In addition where Group Housing has been provided for specific groups of Traveller families the site and housing has been designed and developed in close consultation with those particular families and with their individual needs taken into account. Not only is it built to a high standard but "Lifetime Homes" standard also applies.

Researchers carried out a number of site visits and found very poor standards on several existing sites, with very poor facilities being provided to some households. NIHE assume this statement refers to site provision in Craigavon and Belfast. In the former location a well documented large "unauthorised encampment" exists on NIHE land alongside an "emergency halting site". Standards on the Emergency site have been addressed since the original research and the site upgraded to Serviced site standard [i.e. Individual pods with electricity/water etc]. Provision of services to the remaining unauthorised encampment remain basic and will require the identification and provision of 2 serviced sites and a transit site in the area. Planning permission is awaited for the provision of the serviced sites at "Lake Road" Craigavon and potential transit sites are currently under investigation. Since publication of the report plans are in place to upgrade the Belfast sites.

Delays in development of new sites (P.10)

NIHE accepts that there have been delays in the development of new sites. However we continue through site acquisition to investigate potential sites. NIHE agree that the planning process including dealing with local representatives and communities has been lengthy.

Impact on Traveller households (P.10)

It is important to restate that in the 2008 Accommodation Needs Assessment of the 42% of Traveller households interviewed who were in social housing, the majority stated they were happy with their accommodation. We accept that for those Traveller families living on unauthorised sites conditions are poor.

Governance issues (P.10)

While it is acknowledged in the report that “there has been an increased recognition and acceptance by agencies of their statutory functions in meeting the needs of Travellers” they also noted a fragmented approach across a range of departments and agencies.

Inter-agency working can be problematic. However since taking on responsibility for Traveller accommodation in 2003 the Housing Executive, as the lead agency, has taken a very pro-active position in relation to standards and considerable progress has been made in relation to addressing housing need. NIHE established and chairs the Traveller Consultative Forum which meets regularly with a range of departments and agencies including An Munia Tober, Equality Commission, Department of Health, DSD, OFMDFM, PSNI and the Local Government Association.

Recommendations (P.11)

Changes to legislation (P.11)

In the report it is recommended that the homelessness legislation should be amended to require authorities to provide culturally sensitive accommodation for Traveller families who are statutorily homeless. It is the Housing Executive position that Traveller households who are statutorily homeless are afforded the same level of priority as non-Traveller homeless households. This recommended change in homeless legislation would have significant ramifications for the NIHE and would be difficult to justify the imposition of such legislation where this is not happening elsewhere in the UK. It should be noted that NIHE strives to promote culturally sensitive accommodation in any event.

The report also suggests amendment to the Caravans Act (1963) and security of tenure for those Travellers living on sites as tenants. NIHE would agree that this legislation is outdated and in need of reform. In addition, it should be noted that NIHE serviced sites have licence

conditions broadly similar to those of secure tenants in terms of repair/maintenance and general conditions.

The researchers refer to legislation introduced in Ireland and seek the introduction of legislation to expedite the identification, acquisition and allocation of land for site development in NI. NIHE would have no issue with any such amendment to the legislation which can only but make acquisition and development of land of all purposes more efficient.

Changes to policy (P.11)

The report recommends that a review of all NIHE land and public land and its suitability as a site for Travellers accommodation should be carried out as a matter of urgency.

It should be stated that NIHE undertakes a review of this kind on an ongoing basis and will continue to do so.

The report recommends that the forthcoming NIHE programme should make provision for a range of accommodation.

This is accepted and reflected in the proposed Traveller Accommodation Programme. Through the Needs Assessment and the programme we have and will continue to reflect the range of needs as identified and make provision for Group Housing, serviced sites and transit sites.

With regard to ring fencing funding for Traveller accommodation it should be noted that the NIHE Strategic Guidelines which are used to formulate the 5 year Social Housing New Development programme reflect the level of housing need for Travellers as identified in the 2008 Traveller Accommodation Needs Assessment in Northern Ireland.

It has been recognised that there is an undersupply of transit sites and this is reflected in the latest New Build programme. It is also important to take into account the level of activity relating to unauthorised encampments. Latest information gathered by NIHE indicates a significant reduction in the number of unauthorised encampments throughout Northern Ireland

Minimum standards (P.12)

The Research report sets out detailed minimum standards required for both permanent and temporary forms of accommodation. These reflect the latest guidelines as set out by DCLG (Designing Gypsy and Traveller sites – A Good Practice Guide, 2008, DCLG). Current guidelines as

issued by DOENI in 1999 are under review by DSD. NIHE has taken cognisance of these recent DCLG standards in the improvement of existing sites.

In relation to the minimum standards identified in this report the NIHE would agree in general with the key principles that should be adhered to but would refer to some specific points for clarification:-

- In developing accommodation a key principle identified is that it should promote the social interaction of Travellers within the local community and promote good relations within the Traveller Community and between Travellers and the rest of the community. This principle while important should be applied to all aspects of interaction between Travellers and the local community. How this can be applied to the issue of minimum standards requires clarification.

Chapter 2 Current Context (P.15)

NB See also comments in Executive summary above.

P15 Para 4- It is stated that the research (2006 research by Craigavon and Banbridge Community HSS Trust) found that 68% of Travellers lack appropriate accommodation with no access to basic facilities.

This was also a statistic quoted in the Equality Commission press release launching the research which appeared to infer this situation applied across Northern Ireland. For clarification purposes we would suggest it would be helpful if the statistic quoted was explained in context of numbers of Travellers surveyed and the geographical area covered.

The research states that the existence of goodwill (among statutory agencies) has not been reflected in terms of practical outcomes for Travellers and that there remains a severe undersupply of decent, culturally sensitive accommodation for Travellers, which provides meaningful choice for households regarding their way of life. In terms of outcomes it is acknowledged that provision of particular types of Traveller accommodation has not been achieved. However, significant progress has been made in the provision of group housing schemes and a number of serviced sites. In addition, NIHE continues to develop programmes on the basis of comprehensive needs assessments

Existing Level of Need (P.16)

The research refers to the 2008 Needs Assessment and the range of accommodation required. It should be noted that the NIHE's new Traveller Accommodation Programme (2009-14) will be available shortly.

Existing Categories of Accommodation (P.17)

The research refers to the new programme being progressed. See comment above.

Group Housing (P.17)

Para 2- As a point of information the new Traveller Accommodation programme 2009-2014 will be available September 2009.

Sites (P.18)

In relation to the discussion on authorised and unauthorised sites the specifics and meaning of this section are unclear. Clarification would be helpful on this issue including what is meant by 'authorised' and 'unauthorised' in terms of ownership of the land.

Permanent or Serviced sites (P.18)

Para 2- The research states that in Northern Ireland authorised permanent sites are sometimes known as serviced sites. As a point of clarification in Northern Ireland serviced sites are provided as permanent sites for Traveller families. They are not otherwise specified as authorised permanent sites and are always known as serviced sites.

The research refers to the NIHE having responsibility for 5 serviced sites since 2003.

Of the 8 sites originally due to transfer from Councils under the 2003 legislation only 5 sites were actually transferred to the Housing Executive as follows:

- Glen Road Heights, Belfast
- Ballyarnett, Derry/L'Derry
- Daisyfield, Derry/ L'Derry

- Ballinamullan, Omagh
- The Glen, Coalisland

Transit sites (P.19)

Para 2- The research refers to the existing programme. In view of the imminent publication of the new Traveller Accommodation programme 2009-14 it would be timely to refer to this as the current programme. See earlier comment on Transit sites.

Emergency sites (P.19)

We consider the explanation of Emergency sites in the research as incorrect and would refer to the definition provided earlier.

- Emergency Halting Site- A temporary place to park with basic facilities managed under Co-operation Policy principles.

It should be noted that the Housing Executive does not provide sites for Travellers that do not require planning permission. Provision for emergency stopping places is through provision of Transit sites for which full planning approval is required. With regard to Emergency Halting Sites shorter term, usually 3 years, planning approval applies.

The Housing Executive is moving away from emergency sites as there remains a need to get permanent sites in order to provide a suitable accommodation option for those Traveller families who want Traveller specific accommodation and also to assist in the management of unauthorised encampments following the introduction of legislation in July 2006.

Tolerated/Co-operation (P.19)

The research states that both these are unauthorised. As per the earlier NIHE comment we would restate that there are no 'tolerated' sites and to revisit the definition for Co-operated sites. It should be highlighted that the Housing Executive has developed guidelines for consideration around enactment of the Co-operation Policy.

Existing Standards of Accommodation (P.20)

P21 Para 1: Emergency site at Craigavon

The NIHE accept the report regarding the emergency site at Craigavon at the time of the visit. However it is pointed out that this is now up to the standard of a serviced site.

P21 Para 2: The Co-operated site at Craigavon.

The NIHE would advise that steps are being taken to take this through the planning process.

It is stated in the research that there is no allocated space for horses or other animals at this location. The Housing Executive is not responsible for such provision.

P21 Para 3: Serviced site visit.

The research states that standards at serviced sites was generally superior to those on emergency or co-operated sites. We would contend that provision on serviced sites is of higher standard.

The Housing Executive would state that if the site referred to is in Craigavon it should be noted that plans are in place to provide additional amenities and facilities.

P21 Para 4: Reference is made to a visit to a Group Housing scheme.

However description of the amenities does not fit the definition of what is provided in a Group Housing scheme and is more akin to a serviced site. The Housing Executive would suggest clarification of this.

P21 Para 5: A quote from an individual Traveller is that Group Housing does not facilitate travelling during the summer or integral parking for a trailer. As a point of clarification it should be noted that Group Housing does facilitate travel, albeit within the conditions of the tenancy agreement and Housing Benefit regulations (if appropriate) and storage of a trailer.

P22 Para1: The paragraph appears to be about Group Housing but there is a confusing statement regarding sites mid-paragraph, 'In some instances Travellers on sites no longer park vans on site....'.

Clarification would be helpful.

P22 Para 2: It should be noted in the research that Co-operated sites are unauthorised encampments where Travellers park temporarily and where Co-operation Policy principles may or may not apply. They are not sites or land designated or specifically set aside for Traveller accommodation provision.

Chapter 3 Aims and Objectives (P.23)

The Housing Executive has no additional comments to those set out at the start of this response in the Executive Summary.

Chapter 4 Methodology (P.25)

The Housing Executive has no additional comments to those set out under the Executive Summary at the start of this response.

Chapter 5 Discussion (P.27)

Legislative and Policy Framework (P.29)

It was the view of the research team that the provision of suitable alternative accommodation as directed by the legislation has not sufficiently increased to enable Travellers to move on from these encampments.

P46 1st paragraph

The lack of provision in terms of provision of new sites has left an assessment of design and management of new schemes difficult; however, the research team has noted some strong instances of strong consultation with Travellers and one example of Travellers being encouraged to manage their accommodation.

It would be pointed out that with regard to development of all Traveller specific accommodation the Housing Executive has engaged a range of consultation methods and has expended considerable time, sustained and protracted and resources with regard to consultation with Travellers regarding their future accommodation.

The report infers that organisations including the NIHE do not see the promotion of equality of opportunity and good relations for Travellers. NIHE would contend that Traveller accommodation is a key objective for the organisation and that significant resources both from local offices and the central Traveller team is expended on the provision of Traveller accommodation. This effort is reflected in NIHE's Corporate Objectives and Plan, Housing and Health Strategy, Supporting People Strategy and in the Social Housing Development Programme.

P47 Para 3- The research again makes reference about households now living in bricks and mortar, stating there are indications that a proportion occupying fixed housing would prefer to return to a more communal form of on-site and/or nomadic living if appropriate accommodation was available. See earlier comments regarding the 2008 Needs Assessment on this issue.

Chapter 6 Findings (P.49)

It should be acknowledged that the standards identified are already being met. (See comments Re. Standards)

Key principles (P.49)

Please see comments on principles earlier in this response. We would acknowledge that while more needs to be done in terms of provision the standards in the DCLG (2008) guidance are already adhered to.

Scope of recommendations (P.51)

The report refers to physical standards and management standards. We would advise that consultation with Traveller families has always been a priority and comprehensive methods have been considered and undertaken. Guidelines in relation to tenancy agreements, licence agreements and the Co-operation policy are in place.

The research states that the standards have been developed on the basis of what is reasonable in the current policy and practice landscape, and what can be developed in a cost effective manner. Clarification of how this was established and on what basis would be useful.

In relation to Temporary sites we would again restate that for the reasons stated elsewhere in this response the Housing Executive has no influence over where Co-operated sites are established.

Scale and nature of provision (P.51)

The range of provision is planned for on the basis of identified need to include Group Housing, Serviced Sites and Transit sites. Details of the range of provision is included in the Traveller Accommodation Programme 2009-2012 and prioritised in light of needs based evidence.

The programme for additional Transit sites is based on the need arising from notified unauthorised encampments.

Permanent sites: Grouped Housing and Serviced Sites (P.52)

Attention should be drawn to the fact that Group Housing schemes are not considered or described as sites. Please refer to the definition earlier in this response.

Site location (P.52)

The guidelines produced by DCLG (2008) also provide detailed guidance on this matter.

Good relations (P.53)

Consideration of issues of compatibility of Traveller families continues to be very much to the forefront of the Housing Executive's approach. There is intensive, sustained and meaningful consultation with individual Traveller households in relation to the subsequent planning, design and provision of the range of Traveller accommodation. The needs of individual Traveller families and compatibility of families is taken into account at all stages of the process. It must be acknowledged however that the complexities and difficulties with compatibility can be and have at times impacted adversely on the successful development and delivery of Traveller accommodation schemes.

Size and layout (P.54)

Pitch numbers (P.54)

The research states that 20 pitches should be the maximum number on site. Again the issues of compatibility are relevant to this matter. Attention would be drawn to the DCLG guidelines where it is stated that in general up to 15 pitches should be considered.

Layout (P.55)

The research states that interviews with Travellers highlighted their preferences in terms of layout. Again we would refer to our earlier

comments on the small sample number of Travellers interviewed during this research and also to the specific consultation that takes place with individual families in connection with the delivery of the Accommodation programme which would influence individual site and scheme layout.

Temporary sites: Co-operated sites (P.59)

See earlier comments. In addition broad standards cannot be applied to 'Co-operated sites' as they can occur anywhere e.g car park, lay by, at the side of the road. The Co-operation Policy is a response to a short-term situation only and NIHE has no influence as to where they occur or exist in general. Such sites depend entirely on the co-operation of the landowner.

Temporary Sites: Transit Sites

Size and layout (P.59)

Guidance in DCLG (2008) for Transit sites size and layout largely reflects that provided for permanent serviced sites. It states that caravans must not be less than 6m from any other occupied caravan or trailer. This research states that caravans should not be within six feet of each other.

Management Standards (P.63)

Para 4 - The research does not recognise that in relation to management standards and arrangements that a range of guidelines have been developed and are already in place in Northern Ireland.

NIHE would point out that this section on Management Standards is not brought forward as recommendations at the start of the research report.

Consultation with Travellers (P.64)

In the research there is no mention of the existing recognition of the importance of the consultation process here in Northern Ireland and the intensive, comprehensive and inclusive consultation methods and practice that has been ongoing in Northern Ireland since 1999 by the Housing Executive with regard to their responsibilities in relation to development and delivery of Traveller specific accommodation.

Chapter 7 Conclusions and Recommendations (P.69)

The structure of this section largely follows the structure of the Executive Summary from Key Findings, albeit in more detail.

Undersupply of suitable accommodation (P.69)

Para 1- Response covered in earlier Executive Summary Comments.

Para 2 -The research refers to the need for Transit sites particularly in Belfast and Craigavon. The Accommodation Programme 2009-13 has provision for 1 Transit site in Belfast.

Para 3 -The research found notable examples of good practice in Traveller accommodation provision i.e. Serviced site at Monbrief and Group Housing at Ballyarnet. We would point out that good practice examples are not exclusive to these.

Standards in relation to site provision (P.69)

(See earlier comments regarding Executive Summary)

Delays in development of new sites (P.70)

The research refers to 4 outstanding Transit sites in the Accommodation Programme at September 2008 and that 3 required land to be identified. NIHE accepts that there have been delays in the development of new sites. However we continue through site acquisition to investigate potential sites and will continue to do this. NIHE agree that the planning process including dealing with local representatives and communities has been lengthy.

Impact on Traveller Households (P.71)

The research makes comment in relation to Travellers who were interviewed expressing opinions on their situation. Though we would accept these opinions as extremely valid we would again comment on the small research sample for face to face interviews and suggest these

opinions are confined to particular sites in Craigavon and Belfast. We accept that the delay in site development for Traveller families living on unauthorised encampments has had adverse impact on their households. NIHE recognise the needs of these families and accordingly have developed the new build programme to reflect the same. According to the 2008 NIHE Accommodation Needs Assessment the numbers affected represented 7% of the identified Traveller households.

Governance (P.71)

The comments are largely covered in the response at the Executive Summary section. However there is a comment that there is no single department or agency capable of ensuring that all departments work together- is this practical and achievable in the current context of NI government?

1 Required changes to the Law (P.71)

(See earlier response comments)

2 Required changes at policy level (P.73)

We have responded to certain views repeated in this section in the Executive Summary section of this research. However looking at point 7 it appears that this is the first the researchers heard about an Accommodation Programme by NIHE as a welcome development. Again it should be pointed out that the forthcoming programme does make provision for a range of provision.

Minimum Standards (P.75)

The comments in this section have largely been covered by NIHE in the Executive Summary Section of this response.