



**Wicklow**

COUNTY DEVELOPMENT BOARD

**EQUAL ACCESS TO LOCAL AUTHORITY HOUSING  
IN  
COUNTY WICKLOW**

*“An assessment of the operation of Wicklow County Council’s Scheme of letting priorities for local authority housing considering the nine grounds as listed in the Equal Status Act 2000.”*

**A Research Report**

**Commissioned  
by**

**The Office of Community & Enterprise**

**in partnership with  
the**

**Housing & Corporate Estate Directorate  
Wicklow County Council**

**April 2004**

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## Executive Summary

Wicklow County Development Board and Wicklow County Council have commissioned this research to examine the operation of Wicklow County Council's scheme of letting priorities for local authority housing considering the nine grounds as listed in the Equal Status Act 2000. Wicklow County Council is the first local authority in Ireland to have an Equal Status Policy or to undertake this type of research.

*Section 2* of this report reviews the quality and extent of the information recorded by Wicklow County Council's Housing Section. In common with most local authorities in Ireland, Wicklow County Council uses the Department of the Environment sponsored EMOS computerised system to record applications and prioritise allocations. Only very limited information could be extracted from EMOS and the information that was extracted was found to be unreliable.

The County Council's Housing Section has agreed to undertake a separate analysis to better understand the profile of applicants. The Housing Section has also undertaken itself to include an "Equal Opportunities Monitoring Form" with the housing application form, which will enable monitoring of the implementation of the Equal Status Policy and address some of the existing information deficit.

The research also found some gaps in knowledge as to existing numbers and types of housing units. Better information recorded by the Housing Construction Section (in liaison with the Housing Allocation Section) on number of housing units, locations, unit sizes, condition, numbers suitable for people with special needs, etc. is also important to ensure more appropriate building programmes that do not disadvantage any group under the Equal Status Act.

*Section 3* examines six of the nine grounds under the Equal Status Act in greater detail, setting out the policy and administrative implications for Wicklow County Council in following an equal status policy. The groups examined in greater detail are under the headings: Black and Ethnic Minorities, Disability, Travellers, Family/ marital status, Sexual Orientation and Gender. Additional issues around Human Resources, the "Planning Dimension" and the role of housing associations are also covered.

The main set of recommendations in *Section 4* forms the core of this report.

General recommendations suggested include:

- A public statement of equal access to housing in the form of a charter or similar displayed on the wall in all housing departments and customer contact point in each local authority office in Wicklow
- Maximising transparency in the housing allocation process, through giving housing applicants more information about housing availability, probable length of wait (including information on high and low demand areas), the role of councillors in the allocation process, and facilities in the different areas to allow applicants make more informed choices.
- Ongoing contact, outreach work and clarity and sharing of information by the local authority to relevant representative groups and individuals, identified under the nine grounds, as to what their entitlements to housing are.
- Action to tackle racial, sexual and homophobic harassment. This includes providing information to new and existing tenants about what to do if they

suffer harassment. Racial, sexual and homophobic harassment, if not already considered, should be considered as forms of anti-social behaviour.

- Contact and support housing associations that provide targeted help for groups under the nine grounds.
- When information becomes available and if unmet housing needs are identified, (for example for one person households; larger households, including extended families; people with physical or sensory disabilities; people fleeing domestic violence; people needing specially adapted disabled access accommodation, refugees and asylum seekers given residency and leave to stay; Travellers,) that these unmet housing needs be reflected in the local authority's house building programme. Identification and addressing of this issue requires a thorough and regular assessment of needs, including up to date information on the level of demand for social housing from people under these grounds and up to date information on the corresponding level of supply of appropriate properties. This proposal is in line with but goes beyond the "Guidelines on preparing Action Plans for Social and Affordable Housing 2004-2008" issued by the Department of the Environment.
- Housing Construction Section to undertake that new housing that is targeted at specific need groups be integrated into the overall development

There are also a number of recommendations in section 4 that address the specific issues of different groups. These include:

- A quality housing service for people with a disability should include: regular consultation with service users and Occupational Therapists on the type of adaptations and standards to make housing really accessible and faster adaptations of accommodation to minimise unnecessary delays.
- Recognise succession rights and rights to joint tenancies to live-in lesbian and gay partners to mirror the rights for heterosexual partners, if this is not already the case.
- Focus on creating and sustaining more mixed neighbourhoods and ensuring ethnic minorities and Travellers have a choice in housing to avoid them becoming concentrated in the worst housing.

## Section 1 Introduction

Wicklow County Development Board and Wicklow County Council have commissioned this research. Its purpose is to examine the operation of Wicklow County Council's scheme of letting priorities for local authority housing considering the nine grounds as listed in the Equal Status Act 2000. Wicklow County Council is the first local authority in Ireland to undertake such an exercise.

This research is an Equality Impact Assessment. It tests for potential adverse impacts by determining the capacity of the scheme of letting priorities to accommodate the diversity of identified groups across the nine grounds covered by the equality legislation.

This research stems from Action 09 in the Social Inclusion section of the Wicklow County Development Board's ten-yr. strategic plan 'Outlook' which requires that: *'All CDB partners develop an Equality Implementation Scheme for their respective organisations within six months of the CDB strategy commencement...'*

The research is supported by an "Equal Status Policy for the Housing Section in Wicklow County Council", which has been agreed and passed by the Council. The Equal Status Policy states that the,

*"Housing Section of Wicklow County Council is committed to providing an equality-focused service to all of its customers ... to ensure that this service is free from all forms of discrimination, (direct, indirect and by association) and harassment (as per the Equal Status Act 2000) ... This Policy statement advocates the deployment of positive action as and when necessary and appropriate, to address any particular disadvantage or barrier experienced by any customer on any of the nine grounds as detailed in the Act."*

The scope of the policy is broad. The Equal Status Policy states that,

*"This Policy should, as a first step, focus on the scheme of Letting Priorities as operated by Wicklow County Council's Housing Section. The key stages in this process, from application by the housing client to final decision, will be tested to ensure compliance with the equality objectives as stated in the Housing Section's Equal Status Policy to ensure progress towards equality outcomes."*

The Equal Status Policy is actionable.

*"Where discrepancies are highlighted / identified, action will be taken to address the issues raised. Where the ability to make changes to standard procedure rests with Wicklow County Council, a commitment exists to make these changes. Where a change to standard procedure requires sanction from another body e.g. Health Board, Dept. of Environment & Local Government, a commitment exists to request appropriate changes to ensure compliance with current equality legislation."*

### 1.1 Local Authority Housing Provision

The objective of Wicklow County Council's Housing Department is: *"to provide and assist in the provision of suitable quality and cost-effective accommodation to satisfy the needs of people who are unable to provide housing accommodation for themselves".* (Wicklow County Council website)

Due to the relative unaffordability of other housing options, as well as demographic and other factors, local authority housing in Wicklow has become more in demand in recent years.

As well as managing the increase in demand for housing and any consequent expansion in the building of new housing, Wicklow County Council is also charged with the implementation of the Housing (Traveller Accommodation) Act 1998. The Act required the Council to prepare and adopt, prior to the 31st March 2000, a Five Year Accommodation Programme to meet the existing and future accommodation needs of Travellers in their area. The Council adopted the Final Accommodation Programme for the period 2000 - 2004 on 7th February 2000 and undertook a statutory review of the Traveller Programme in November 2002.

## 1.2 Equality Legislation

The Employment Equality Act, 1998 and the Equal Status Act 2000 outlaw discrimination in employment, vocational training, advertising, collective agreements, the provision of goods and services and other opportunities to which the public generally have access, on nine distinct grounds.

The nine grounds on which discrimination is unlawful are:

- **Gender**
- **Marital status** - which means single, married, separated, divorced, or widowed.
- **Family status** - this means having responsibility either as a parent or as a person in loco parentis for someone below 18 years of age, or as a parent or resident primary carer for someone 18 years or over with a disability who requires a high degree of support and attention.
- **Age** - in general this means people in employment between the ages of 18 and people in vocational training between the ages of 15 and 65.
- **Disability** - this is defined in the legislation as including total or partial absence of bodily or mental facilities, chronic disease, whether manifest or not, learning and personality disorders. It includes a condition, illness or disease which affects a person's thought processes, perception of reality, emotions or judgement or which results in disturbed behaviour and shall be taken to include a disability which exists at present, or which previously existed but no longer exists or which may exist in the future or which is imputed to a person.
- **Race** - includes race, colour, nationality, ethnic or national origin.
- **Sexual Orientation** - covers heterosexual, homosexual or bisexual orientation.
- **Religious Belief** - includes religious background or outlook
- **Membership of the Traveller community**

Discrimination is described in the Act as the treatment of a person in a less favourable way than another person is, has been or would be treated on any of the above grounds.

Indirect discrimination occurs when practices or policies, which do not appear to discriminate against one group more than another, actually have a discriminatory impact. It can also happen where a requirement, which may appear non-discriminatory, adversely affects a particular group or class of persons

Harassment takes place where a person subjects the victim to any unwelcome act, request or conduct including spoken words gestures or the production, display or circulation of written words, pictures or other material which is based on any one or more of the nine grounds and which could reasonably be regarded as offensive, humiliating or intimidating to the victim.

There is a relevant exception from the Equal Status Act 2000. The act states that Housing Authorities (a Local Authority such as Wicklow County Council for example) can provide different treatment in relation to housing accommodation based on:

- Family size
- Family status
- Marital status
- Disability
- Age
- Membership of the Traveller Community

Thus even if the Scheme of Lettings Priorities suggests an unequal process, the above exemptions would apply.

### **1.3 Methodology**

It was originally intended that this research would be undertaken using both a quantitative and qualitative analysis.

The quantitative examination of the operation of the scheme of lettings was to have included examining the proportions of applicants from each of the nine grounds and their experience of the Scheme of Lettings in terms of:

- length of wait
- actual allocation of housing

However recorded information was not available to make this possible. None the less a framework is set out in section 2, which if followed in the future when information of this type becomes available, will give important information as to whether equality outcomes are being achieved.

Because of the lack of recorded information, the main research approach has been a qualitative examination, through interviews with staff involved in the housing allocation process and actual recipients of the service and with reference to best practice in other jurisdictions, as well as support from the Research Steering Committee and the researcher's own experience. This covers issues such as:

- quality of accommodation types offered to different groups identified under the nine grounds (if any trends are identifiable),
- the extent of mixing/ segregation of housing communities
- any discriminatory practices operating in the local authority housing system.

The areas of examination for research are:

- a. Application Stage. Examination of recorded quantitative and other qualitative information regarding the housing application stage. This includes numbers of applicants, assessment of information recorded, etc.
- b. Allocation stage. Examination of all available relevant information, including recorded quantitative and other qualitative information regarding the housing allocation stage to assess whether applicants from each of the nine grounds experience any form of direct or indirect discrimination.
- c. Overview. In assessing the overall process, additional issues such as the level of co-ordination with other agencies; consultation, accountability and transparency issues; whether adequate or insufficient resources are afforded to the process; and an exploration of the capacity to achieve equality outcomes across the nine grounds will also be covered. The overview will include recommendations to address any blockages in achieving equality outcomes in the operation of the scheme of lettings.

## **1.4 Contents**

Including this introduction there are four sections.

Section 2 examines the quality and extent of information recorded in the County Council's housing department under each of the nine equal status grounds. It sets out the profile of those on the housing waiting list (to the extent that the existing information systems allow). A number of information gaps are outlined. In this section, a suggested framework to "interrogate" information gathered under the nine equal status grounds is suggested.

Section 3 examines the particular circumstances and issues for some of the group headings under the following equal status grounds: Disability, Black and ethnic minorities, Travellers, Family size, Sexual orientation and Gender.

Section 4 sets out recommendations under each of the headings examined in section 3. Concluding comments and recommendations are also made.

## **1.5 Steering Committee**

The steering committee for this project includes representatives from senior management in the Housing Section as well as officers from the Office of Community and Enterprise and the Social Inclusion Unit, Wicklow County Council and a representative from the Equality Authority.

I thank the steering committee for their support, the Housing Sections for their openness and time and the IT department for their endeavours. Special thanks to Margaret Malone of Wicklow County Council who devised the research and commented on a number of drafts. Any errors or omissions are the researcher's own.

## Section 2

### Existing Information Recorded and Gaps

In this section I review the quality and extent of the information recorded by Wicklow County Council's Housing Allocation Section.

#### 2.1. Existing Quantitative Information

In common with most local authorities in Ireland, Wicklow County Council uses the Department of the Environment sponsored EMOS computerised system to record applications and prioritise allocations. This system is an administrative rather than an information or research tool. Because of this only very limited information could be extracted from EMOS. In addition some of the findings from the information that was extracted was found to be unreliable. The problems associated with the present system are set out in 2.2 below.

To fill this information gap the Housing Section within the local authority has undertaken to conduct a separate analysis of the housing applications it has received in recent years to understand the profile of applicants better.

#### 2.2 Gaps in Quantitative Information

An attempt was made during the research to use the EMOS system to extract information on the profile of applicants under each of the nine grounds and their relative wait to be housed by Wicklow County Council but unfortunately this did not prove possible. None the less the proposed system of interrogation of recorded information (below) could be used in the future when the information comes available or a different computerised system is in place.

The first step (A) is to profile applicants under each of the nine grounds to the extent that this is possible, using the suggested variables to differentiate each group.

The process would be as follows. Under each of the 9 nine grounds, record:

**Table 1: A**

Equal Status Ground	Variable (v):
1. Gender	<ul style="list-style-type: none"> <li>▪ Male Head of Household</li> <li>▪ Female Head of Household</li> <li>▪ Male Single Applicant</li> <li>▪ Female Single Applicant</li> <li>▪ Number of transgender applicants (if recorded)</li> </ul>
2. Marital Status	<ul style="list-style-type: none"> <li>▪ Single</li> <li>▪ Married</li> <li>▪ Separated</li> <li>▪ Divorced</li> <li>▪ Widowed</li> <li>▪ Co-habiting</li> </ul>
3. Family Status	<ul style="list-style-type: none"> <li>▪ One person household (single, no dependents)</li> <li>▪ Couple (2 persons, no dependents)</li> <li>▪ Two parent family (2 persons with children)</li> </ul>

	<ul style="list-style-type: none"> <li>▪ One parent family (single man or woman with dependents)</li> </ul>
4. Age	<ul style="list-style-type: none"> <li>▪ 18-25</li> <li>▪ 26-35</li> <li>▪ 36-55</li> <li>▪ 55-65</li> <li>▪ 65+</li> </ul>
5. Disability	<ul style="list-style-type: none"> <li>▪ Disabled</li> <li>▪ Not disabled</li> </ul> <p>If Disabled whether:</p> <ul style="list-style-type: none"> <li>▪ Intellectual disability</li> <li>▪ Physical disability</li> <li>▪ Sensory disability</li> <li>▪ Mental Health disability</li> </ul>
6. Black or Ethnic Minority	<ul style="list-style-type: none"> <li>▪ Member of Black or Ethnic Minority</li> <li>▪ Not member of Black or Ethnic Minority</li> </ul>
7. Sexual Orientation (heterosexual, homosexual, bisexual)	<ul style="list-style-type: none"> <li>▪ 2 people of same sex couple applying for housing</li> <li>▪ 2 people of different sex couple applying for housing</li> </ul>
8. Religious Belief	As per equality monitoring form
9. Membership of the Traveller Community	<ul style="list-style-type: none"> <li>▪ Traveller</li> <li>▪ Not a Traveller</li> </ul>

The next step (B) is to analyse the experience of those identified in Section A above under each of the relevant headings for:

**Table 2: B**

1. Those accepted as on the Housing List, whose application is in process
2. Those actually housed since a fixed date, for example January 02

The final step in (C) is for those recorded in B.1, the average length of wait for those on housing waiting lists who are applying for housing (not yet housed), under each of the equal status grounds as follows:

**Table 3: C**

- (i) average wait for each of the different groups under the different headings
  - (ii) the spread of wait for each of the different groups under the different headings
- e.g.

- Less than 1 month
- More than 1 month up to 6 months
- More than 6 months up to one year
- More than one year up to two years
- More than two years up to five years
- More than five years

And for those recorded under B.2, (who have actually been housed) the length of wait on average before they are housed, under each of the variables:

**Table 4: C**

(i) average wait for each of the different groups under the different equality grounds  
(ii) the spread of wait for each of the different groups under the different equality grounds e.g.

- Less than 1 month
- More than 1 month up to 6 months
- More than 6 months up to one year
- More than one year up to two years
- More than two years up to five years
- More than five years

The purpose of (C) is to compare the relative length of wait of people under each of the nine grounds compared to the average length of wait/ wait of those who do not belong to any of the nine grounds and see whether any unfairness is evidenced.

**2.3 Future Steps**

In addition to the conducting of a separate analysis of the profile of housing applicants to the Council, the Housing Allocation Section has undertaken that when asking applicants to fill out their application form, they will also include an optional Equality Monitoring form, similar to one used in the civil service for employment applications. This is also optional for applicants to the civil service but research shows that 75% of civil service applicants do fill it in. Assuming that this information is recorded and compiled, this would be a very useful step and an excellent source of information for monitoring effectiveness of the implementation of the Equal Status Policy for the Housing Section in Wicklow County Council. It would also address the information deficit that exists in the present time and that is far from unique to Wicklow County Council.

## Section 3

### Equal Status Policy in Practice

In this section I examine six of the nine grounds in greater detail, setting out the policy and administrative implications to following an equal status policy in Wicklow County Council's Housing Department. The groups examined in greater detail are under the headings: Black and Ethnic Minorities, Disability, Travellers, Family/ marital status, Sexual Orientation and Gender.

#### 3.1 Black and Ethnic Minorities

Most ethnic minorities resident in the state are not given legal residency in the State and therefore they do not have a right to apply for local authority housing. Those who do have a right to apply are generally programme refugees. Asylum seekers and those on work visas do not have the right to apply for local authority housing. Thus the number of ethnic minorities eligible to apply for local authority housing is presently small. However this may change in coming years.

Because there is very little research and practical experience within local authorities in Ireland of working with black and ethnic minorities, in this section I make a number of references to the experience in the UK.

While local authorities in the UK were initially slow to adapt to the changed multicultural profile of housing applicants (due to the in-migration of black and ethnic minorities since the 1950s), the UK's longer experience and developed best practice may be instructive for local authorities in Ireland.

The first point to make is that minority ethnic groups in the UK do not form a homogeneous mass at which general policy initiatives can be aimed. Although minority ethnic groups do have certain common features - for example, living in mixed tenure residential areas, active religious beliefs, experience of racism - they also have different needs because of different social and economic backgrounds. They have different levels of employment, earnings, family structures and conditions and are evolving in different ways. It is difficult to represent them as a single, unified group.

However some general points emerging from research are:

- High Levels of Poverty among Black and Ethnic minorities
- Possibility of Larger Families among Ethnic Minorities
- Racist Victimisation
- Benefits of Ethnic Diversity

(Further details are found in the appendices)

#### 3.2 Travellers

The one ethnic minority that local authorities in Ireland have long experience of working with are Travellers. Local Authorities' track record in this area is mixed. Wicklow County Council has however recently developed a forward-looking Traveller Accommodation Programme, which states that,

*"Traveller culture has traditionally involved a close link between living space and workspace. Department of the Environment and Local Government Design*

*Guidelines for Residential Caravan Parks and Temporary Halting Sites will to a great extent determine the design of Traveller specific accommodation. However the Council will, through consultation with the Travellers involved, where practical and with regard to effective accommodation management, endeavour to incorporate specific design features to meet the distinct needs and circumstances of families.”*

Further undertakings are made, including that,

*“Travellers will not be excluded from mainstream standard housing on the grounds that the accommodation is not specifically designed for their needs.”*

*“Transfers between sites and houses will be facilitated as far as possible”.*

*“Traveller families will not be removed from the housing list until there is prior consultation with the social worker. This is designed to prevent the erroneous removal of a family from the list.”*

This stated sensitivity of working is important considering among other factors that Travellers are less likely to benefit from formal education and have low levels of participation in second chance education programmes, leading to them experiencing low levels of literacy across all age groups. To help in the form filling and other interactions with the local authority, a social worker is employed to advocate for Travellers, help with form filling, advise on the process of applying for housing and explain what are the entitlements for Travellers.

### **3.2.1 Scheme of Lettings, Traveller Accommodation Programme and Implications for Travellers**

Through interviews with key informants, a number of issues related to Travellers' treatment under Wicklow County Council's Scheme of Lettings and the Traveller Accommodation Programme came up for discussion. They are as follows:

(i) The Traveller Accommodation Programme presents an issue as to how one defines a Traveller. For example people who have been brought up in a local authority estate, have not gone to a Traveller school, have no contact with the relevant Traveller social worker and are integrated with the majority settled community, to the extent that they might marry a settled person, may still identify themselves as a Traveller under the Traveller Accommodation Programme, with the implication being that they may do so in order that they will be housed by the relevant Council more quickly. This may also mean that some Wicklow housing authorities, in attempting to meet general targets for the housing of Travellers, may choose to house those Travellers who are more settled in the community rather than those who request special group housing or might be considered more difficult to manage.

However it should be noted that the allocation process for Travellers is subject to overview by a statutorily based Consultative Committee with Traveller organisation involvement. In addition all Traveller housing applicants are interviewed and supported by a specially designated social worker.

(ii) In 2 (a) (i) of the Scheme of Lettings, extra points are allocated for existing accommodation that is unfit. According to interviewees, for some Travellers this may prove to be a disincentive to improve existing accommodation or move into better accommodation. Thus it was suggested that for some Travellers offered a halting site place, if they thereby become a lower housing list priority, they are likely to turn down

this option. This point applies equally to members of the settled community who may see it as disadvantageous to improve their existing accommodation.

### **3.3 Gender**

Since women earn on average less than men, they are more likely to face exclusion from private sector housing. Affordable, state subsidised housing is a key requirement to ensure women can gain access to housing.

A further consideration is that women are more likely to experience domestic violence. It is of note therefore that in section 2 (vi) of the Local Authority's Scheme of Lettings, extra points are offered to people living/ working within a 10 km distance of the letting. This section could potentially negatively impact against victims of domestic violence, since they may need to move away from where they were previously living or working. By negatively impacting on victims of domestic violence, by implication the section negatively impacts against women, since women are by far the main victims of domestic violence.

### **3.4 Disability**

The Equal Status Act 2000 states that, *"providers of goods and services must not discriminate against people with any type of disabilities, including mobility, sensory, mental health and intellectual impairments."*

The Act requires providers of goods and services to accommodate the needs of people with disabilities through making reasonable changes in what they do and how they do it, where, without these changes, it would be very difficult or impossible for people with disabilities to obtain those goods or services. Service providers are not obliged to provide special facilities or treatment where the cost involved is greater than a "nominal cost". However the legislation states that, *"if the State provides grants or aids for assisting in providing special treatment or facilities, there may be an onus on the service providers to avail of these grants"*.

Under the Act you are not confined to just take reasonable steps. You can take whatever steps are necessary to ensure that people with disabilities can obtain your goods and services. Positive action is allowed.

Interviewees suggest that the major concern for mobility disabled people applying for local authority housing in Wicklow is that further to the wait in the allocation of a house, people who are disabled must wait for the house to be adapted for disabled person use. Grants are sought under the Disability Persons Grant. Because of the delays under this grants system, there are additional waits for people with a disability of up to 3 years (in exceptional circumstances). During that time someone with a degenerative disability, multiple sclerosis for example, may have changing needs such that the original adaptations to their accommodation would not be sufficient to address their changing need. In addition original builder quotes for adaptation etc., may no longer be valid.

There are a number of extra considerations in the allocation of local authority housing for people with a disability:

(i) Accommodation for a disabled person may need to be in a town. A disabled person living away from services, for example 2 miles outside the town centre would become very isolated. Proximity to public transport links may not be sufficient considering the very low frequency and inaccessibility of this transport form.

(ii) Some of the disabled people seeking accommodation are single, seeking to move on from their family, to strike out into greater independence. They may be doubly disadvantaged in seeking an allocation of local authority housing as there is a shortage of single accommodation and being disabled they may need space/ bedroom for a personal assistant/ circulation. Interviewees suggest that the majority of single disabled people on the list are young people, perhaps in their 20s. Other than adapted social housing or staying at home, the only option available for these individuals is in a residential home, for those with a physical disability as often as not in an intellectual disability residential home. (The Cheshire Homes is the most common option for physically disabled people seeking to move out of home.)

(iii) According to interviewees, older single disabled people are generally already housed, but they are seeking grants to make their housing more adapted to their needs. According to interviewees allocation of grants for adaptation has been difficult to obtain or potential applicants do not know how to process applications.

(iv) According to interviewees, many disabled people do not know how or where to apply for housing, what grants are available and how long the process is likely to take. There is no information as to what proportion of disabled people in the county are entitled to and are actually applying for local authority housing. The likelihood is that the great majority of disabled people are entitled to apply. This suggests that there may be a lack of sharing of information by the local authority as to entitlements and/ or lobby groups are not making themselves sufficiently aware as to what people can apply for.

### **3.5 Sexual Orientation**

There is no recording of information on applications by same sex couples for local authority housing. Upholding equality of opportunity for lesbians and gay men is an important area for any equal status policy for access to housing. Many lesbians and gay men experience homophobic harassment. Associated stigma may lead to many people not identify themselves as lesbian or gay when applying for housing. A number of recommendations are made under this heading in section 4. However the local authority may wish to consider here whether there is easier/ quicker allocation of social housing for mixed sex couples compared with same sex couples?

### **3.6 Family/ Marital status**

While there is no information to confirm or refute it, the question may reasonably be asked as to whether it is easier/ quicker to be allocated social housing if one is part of a two parent family compared to a one-parent family or single person. There is no information recorded by Wicklow County Council to confirm whether this is so or not. None the less the concern must be that a lack of single person units of accommodation and competing demands for large units from larger families means that single people must wait considerably longer to be housed.

The Housing Construction and Housing Allocation Sections' co-ordination is an important component to achieve fairness for people in different marital status and family sizes. Information was sought from the Housing Construction Section on:

*“1. The number of units of housing presently owned and managed by Wicklow County Council (excluding Town Council housing stock) under the following headings:*

- old person dwellings*
- one bedroom units (excluding old person dwellings)*
- two bedroom units (excluding old person dwellings)*
- three bedroom units*
- four bedroom units*
- sheltered housing units*
- halting sites*

*2. Number of existing properties that are wheelchair accessible/ adopted for people who are physically disabled and the number of new build that are wheelchair accessible/ adopted for people who are physically disabled.”*

This information was not recorded/ available at the time of the research however. Without recorded information and transparency on existing housing stock and future building plans, local authorities will find it difficult to address any perceived or identified imbalances in size of housing units and imbalanced housing demand and supply.

### **3.7 Planning dimension**

The Housing Construction Section sees its most pressing housing demand issues in relation to the sourcing of land where it is most in demand, i.e. the North and East of the county. The Section hopes that Part V may unlock some new supply of local authority housing units. The local authority's engineers report that 520 units are to be built over the 4 yr period to the end of 2003.

There are pertinent connections between the housing construction section and the housing allocation section in a local authority. These need to be maximised if equality outcomes are to be achieved. In particular the following questions need to be asked by both departments:

- Is current provision appropriate, in terms of type of housing, size of units, locations and adaptation for special needs?
- Are future demographic and population trends being planned for?
- Are there unmet needs, for example:
  - One person households
  - Larger households, including extended families
  - People with physical or sensory disabilities
  - People fleeing domestic violence
  - Refugees and Asylum Seekers given residency and leave to stay
  - Travellers
- As well as new build, is full use of conversions and adaptations of existing buildings being made?
- Is new housing that is targeted at specific need groups integrated well into the overall development and addressing their particular needs?

### **3.8 Human Resources**

Under the Equality Legislation, the Equality Authority can invite organisations to review the equality situation in their organisations to both their human resource and

customer service functions. This includes equality / diversity sensitivity training of officials and service providers.

The Council has undertaken that training opportunities, focusing on equality issues, will be made available to all staff within the Housing Section, with a possibility of this training being extended to other parties who have a role in the housing allocation process. This should be welcomed.

Wicklow County Council's Housing Department may also wish to consider the following HR issues:

- Are criteria for appraisal and advancement measurable and transparent?
- Is there a complaints system for people to report concerns about unfair treatment? If yes, is this system outside the line management structure?
- Are schemes in place to actively support and welcome differences in the workplace?
- How representative of local communities is the staff profile? (In the UK, housing is one of the best service sectors in terms of minority ethnic employment. About 12 per cent of paid staff working for registered social landlords came from a minority ethnic background in 1999.)
- Are there clear and well-publicised procedures for dealing with harassment and bullying?
- Are there mechanisms to discover whether the diverse needs of the staff are being met?

### **3.9 Housing Associations**

The development, allocation and management of social housing are not just the remit of local authorities. Voluntary Housing Bodies (otherwise known as housing associations) also have an increasingly important role.

There are few regulatory requirements for housing associations in Ireland. In contrast, in the UK and Northern Ireland, housing associations are required to meet a number of regulations there, including equality undertakings.

In Northern Ireland, the Department of Social Development criteria for registering a housing association states that:

*"The association must be able to demonstrate that, within the scope of their rules and objectives, there will be equality of opportunity for all sections of the community regardless of age, disability, family circumstances, gender, marital status, race, religion, sexuality, political beliefs or other factors, which could prevent the implementation of fair policies and operations. In particular, the (Housing Association) must be able to demonstrate that equal opportunities measures will be adopted and implemented in relation to religious and gender record keeping and monitoring, policy reviews and training of staff and members of the Committee of Management."*

In England, the Housing Corporation's regulatory code states that:

*"Housing associations must demonstrate, when carrying out all their functions, their commitment to equal opportunity. They must work towards the elimination of discrimination and demonstrate an equitable approach to the rights and responsibilities of all individuals. They must promote good relations between people of different racial groups."*

## Section 4

### Recommendations

This report should be taken as a whole. The review of recorded information (section 2) and practice (section 3) has policy implications. None the less, the main set of recommendations as set out in this section under nine sub headings, forms the core of this report.

The recommendations in the report are in italics.

#### 4.1 General

There are a number of recommendations that apply equally across the nine equal status grounds:

- (a) The Equal Status Act 2000 details the putting in place of processes and procedures to deal with complaints of discrimination or harassment. *A public statement of equal access to housing in the form of a charter or similar displayed on the wall in all housing departments and customer contact point in each local authority office in Wicklow, setting out the nine equal status grounds and that the local authority will undertake to ensure that no discrimination, either direct or indirect, will be committed by the local authority in the allocation of housing would be a very powerful statement of intent by the local authority.*
- (b) Although Wicklow County Council has taken major steps, similar to every other local authority in Ireland, there appears to be a lack of transparency in the housing allocation process from the perspective of the applicant. The fact that Councillors do not have a statutory role in the allocation process and that although they can make representations this will not affect the allocation outcome, may not be clear to applicants. In addition the fact that length of wait is mostly dependent on the area sought, matching a household size with similar accommodation and “compassionate grounds” should be made explicitly clear to applicants, with average wait estimated and given to the applicant and information as to progress in application made in writing. *Giving housing applicants more information about housing availability and facilities in the different areas to allow them more informed choices would also be of benefit to the applicant and the local authority. Wicklow County Council should aim to be a model for achieving the maximum transparency in its housing allocation process and thereby achieve a number of equality targets.*

As part of the research process, suggestions were made to the housing department regarding the application form to ensure it fully meets equality criteria. A number of outstanding points are:

- (c) While most applicants fill in the form themselves, the local authority offers a service to help guide the applicant through the application form. *If the applicant experiences a disability or other special need then there should be a staff member available trained in working with people with learning difficulties/ intellectual disability, also leaving open the option that people with learning difficulties/ disability might also utilise a member of the Health Board or similar support person to help in the process.*
- (d) *Confidentiality of the application process should be guaranteed as much as possible*

## 4.2 Travellers

- (a) *As per section 3.2.1 (ii) of this report, the definition of who is eligible for accommodation under the Traveller Accommodation Programme should be again examined and clarified in writing to the satisfaction of all relevant parties, with a focus on accommodating those Travellers most in need of accommodation.*
- (b) *Section 4(a) of the Scheme of Lettings states that only “pressing reasons accepted in exceptional circumstances” are accepted by the local authority for people refusing a housing offer, otherwise a sanction applies. The purpose of the section is not to penalise applicants and is generally interpreted in a compassionate manner. None the less, “pressing reasons” should include the compatibility of Traveller Families together or previous death in a house, for Travellers applying for accommodation.*
- (c) *Harassment or intimidation of Travellers should be considered as anti-social behaviour.*
- (d) *Traveller families, especially those in rural settings in the county, may need additional support to settle in the community and maintain their accommodation over the long term, including in particular social work support provided by the local authority. The Council should plan for additional supports as required when making the allocations.*

## 4.3 Disability

A quality housing service for people with a disability should include:

- (a) *Regular consultation with service users and Occupational Therapists on the type of adaptations and standards to make housing really accessible. (Interviewees suggest that Part M is not sufficient, that a more individualised approach is necessary.)*
- (b) *Faster adaptations of accommodation to minimise unnecessary delays*
- (c) *Thorough and regular assessment of needs, including up to date information on the level of demand for social housing from people with physical and sensory disabilities*
- (d) *Up to date information on the corresponding level of supply of adapted properties*
- (e) *For those in unsuitable housing, real choice about whether to stay put and have their present home adapted or to move to alternative accommodation*
- (f) *The needs of single disabled people (likely to be one of the biggest group of disabled people) to be taken fully into account in building projections.*
- (g) *Clarity and sharing of information by the local authority to disability lobby groups and individuals on what disabled people’s entitlements are.*

- (h) *Adapted disability housing that looks ordinary and that fits into the local surroundings*
- (i) *Accommodation close to services. In the County Wicklow context this means within a limited radius of the relevant town centre.*

#### **4.4 Black and Ethnic Minorities**

To achieve fairness for Black and Ethnic Minorities, the local authority should consider:

- (a) *Ensuring greater involvement of minority ethnic groups in regeneration projects. The evidence from a wide range of research projects suggests that - to improve the information base of localities and to better target policy initiatives - an awareness of diversity and difference needs to be a key focus at all stages of the policy, practice and research process.*
- (b) *Viewing each minority ethnic group as a separate research and policy grouping. The significant variations between ethnic groups imply that each group should be treated individually.*
- (c) *Attempting to achieve effective communication, including positive outreach work by the local authority to advise local Black and Ethnic Minorities of their entitlements. This may include greater and more effective marketing of the social rented stock to eligible underrepresented groups.*
- (d) *Language barriers and an unfamiliarity with the culture of formal procedures can act as a disincentive for some groups to apply for housing with the local authority. Broader social participation can be limited by cultural and religious traditions for certain South Asian women. For people whose first language is not English, who make up a relatively large proportion of ethnic minorities, the service of translators should be available and cultural sensitivity training for housing department staff should continue to be progressed.*
- (e) *Action to tackle racial harassment. This includes providing information to new and existing ethnic minority tenants about what to do if they suffer harassment. Racial harassment should be considered as a form of anti-social behaviour.*
- (f) *Focus on creating and sustaining more mixed neighbourhoods and ensuring ethnic minorities have a choice in housing to avoid them becoming concentrated in the worst housing.*

#### **4.5 Sexual Orientation**

To achieve fairness for people of homosexual or bisexual orientation, the local authority should:

- (a) *Recognise homophobic harassment within anti-social behaviour policies and procedures*
- (b) *Recognise succession rights to live-in lesbian and gay partners to mirror the statutory right for heterosexual partners*

- (c) *Offer same rights to joint tenancies for lesbian and gay partners as those given to heterosexual partners*
- (d) *Support housing associations that provide targeted help for lesbians and gay men*

#### **4.6 Gender**

When upholding equality of opportunity for women, the local authority should consider:

- (a) *Recognising sexual harassment within anti-social behaviour policies and procedures*
- (b) *Provision for female applicants to deal with female members of staff, particularly if sensitive issues are to be discussed.*
- (c) *Local authorities and housing associations should work to protect and maximise the choice to people fleeing domestic violence.* Although the scheme of lettings section 2 (vi), in referring to extra points for people living or working within a 10 mile radius of the area they have applied for housing, is an attempt to maintain existing rural communities, it may inadvertently disadvantage women fleeing domestic violence and therefore should be re-examined in light of section 3.3 of this report.

#### **4.7 Housing Associations**

There are few regulatory requirements for housing associations in Ireland. In contrast, in the UK and Northern Ireland, housing associations are required to meet a number of regulations there, including equality undertakings. *The research finds that a change in the regulatory framework for Housing Associations in Ireland, especially with reference to Equality Legislation would be a positive development and would help support the creation of specially focused housing associations that work with ethnic minorities, people with disabilities and other groups under the nine grounds. This recommendation is likely to be beyond the remit of the County Council to influence and is a policy decision for national Government.*

#### **4.8 Housing Construction Section**

The achievement of equality outcomes in local authority housing extends beyond the responsibility of the Housing Allocation Section. Inappropriate building programmes that discriminate against any group under the Equality Legislation, either because of the location where they are being built, their size or configuration or any other factor would undo the efforts of the Allocation Section. For this reason, this report is also relevant to the Housing Construction Section in Wicklow County Council too. A number of recommendations have already been made in the report. They have implications for the Housing Construction Section, particularly in sections 4.3 and 4.4. Further general recommendations include the following:

- (a) *A recording of the numbers of housing units on a quarterly basis, in terms of type of housing, size of units, locations and adaptation for special needs.*

- (b) *As well as local authority planning reflecting future demographic and population trends, to take into account equality issues set out in sections 3 and 4.*
- (c) *If unmet housing needs are identified, for example for one person households; larger households, including extended families; people with physical or sensory disabilities; people fleeing domestic violence; people needing specially adapted disabled access accommodation, refugees and asylum seekers given residency and leave to stay; Travellers, then these unmet needs should be planned for.*
- (d) *New housing that is targeted at specific need groups to be integrated into the overall development*

## 4.9 Conclusion

This research shows, notwithstanding the major steps taken to implement an equal status policy for Wicklow County Council's Housing Section, that equality proofing of the Housing Application Form and Scheme of Letting Priorities is not sufficient to ensure that the rights of the specific groups detailed in the Equal Status Act 2000, are safeguarded and respected.

Rather:

- a more focused attention on proper recording systems (including monitoring equality outcomes),
- communicating the equality policy to potential and actual clients, and
- greater focus on the practical implications of the policy

are also needed. The first two of these three actions are already in the planning stage<sup>1</sup>. The report offers guidance as to how these will be implemented.

The third point, greater focus on the practical implications of the Equal Status Policy, has not yet been fully addressed. Wicklow County Council has undertaken that "in the allocation process", the Council will, "attempt to achieve a mix of applicants, including young and old/ single parents and dual person families/ employed and unemployed/ households with children and those without<sup>2</sup>" however many more challenges and issues will present themselves as the Council progresses in this important and praiseworthy direction.

This report shows how, in more fully addressing the concerns of Black and Ethnic Minorities, people with a disability, Travellers, people of differing family/ marital status, people with different sexual orientation and the differing concerns of men and women, policy development and implementation becomes more complex and

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<sup>1</sup> The Equal Status Policy for the Housing Section states that  
"Future plans regarding the implementation of this Policy include:

- Developing a communications strategy which allows for consumer feedback from local organisations representing the nine grounds regarding the service being delivered by Wicklow County Council's Housing Section
- Developing appropriate systems for the collection of data which would facilitate monitoring / tracking across the nine grounds in terms of service delivery"

<sup>2</sup> Wicklow County Council website

developed. The report also shows that following an equal status policy in Wicklow will require a more fully conscious decision making process, backed by proper recording systems and involving both the Planning and the Housing departments.

## **Bibliography**

Chahal, Kusminder, 2000 Ethnic diversity, neighbourhoods and housing, *Foundations*, Joseph Rowntree Foundation, York: UK

CIH, 2003, Good Practice Briefing, the good practice unit. Issue 26, June 2003. Chartered Institute of Housing, Coventry: UK

Equality Authority, "An Equality Proofing Template, for the City and County Development Boards", Dublin

Equality Authority, "Equality Impact Assessment: Initial Guidelines for the City and County Development Boards", Dublin

Equality Authority, "Reasonable accommodation of people with disabilities in the provision of goods and services", Dublin

Ratcliffe et al and Power, 2001, Breaking down the Barriers, Improving Asian Access to Social Rented Housing, Chartered Institute of Housing, Coventry: UK

## **Some of those interviewed:**

- Lorraine Gallagher, Martina Byrne, Fiona Boyle, Joan Sinnott, Ivan Shane (Housing Department, Wicklow County Council)
- Patricia Reilly (Social Inclusion Section, Wicklow County Council)
- Margaret Malone (The Office of Community and Enterprise, Wicklow County Council)
- Mick Mangan, (Engineering and Housing Construction, Wicklow County Council)
- Mary Rose Walker, social worker with Travellers, Wicklow County Council
- Eamonn Mc Cann, Wicklow Traveller Movement
- Nicky O'Brien, Irish Wheelchair Association, Arklow
- Treasa Galvin, UCD, researcher on Bray Partnership commissioned report on Ethnic Minorities

## Appendix 1 - Ethnic Minorities

Some additional detail with regard to ethnic minorities is set out below.

Research from the UK suggests that Black and Ethnic Minorities experience:

- High Levels of Poverty

In the UK, more than half of African-Caribbean and Africans and over a third of South Asians live in districts with the highest rates of unemployment. Only one in 20 live in an area of low unemployment compared with one in five of white people. Sixty per cent of Pakistanis and Bangladeshis are poor - four times the poverty rate found among white people. A number of minority ethnic groups in the UK are disproportionately likely to live in poor-quality, overcrowded housing. If patterns are replicated in Ireland, Black and Ethnic Minorities will be proportionately become groups in relatively greater housing poverty than white people and therefore eligible in increasing numbers for local authority housing.

- Possibility of Larger Families among Ethnic Minorities

Because of a higher average number of children and the persistence of joint and extended family living arrangements in South Asian households, many Black and Minority Ethnic households tend to be larger than white households. In the UK in 1997, about half of white couples had dependent children, while the proportion was nearer three-fifths for Caribbean, two-thirds for Indian and four-fifths for Pakistani and Bangladeshi couples.

- Racist Victimisation

All minority ethnic groups in the UK experience racist victimisation, particularly where families are isolated and removed from familiar networks and thus a lack of social support for these people, from agencies, family and friends. They adopt their own ways of coping, often with severe constraints on their lifestyles.

- Estate Regeneration

Targeting resources on existing council estates sidesteps the problems of deprivation among ethnic minorities because the most disadvantaged areas for minority ethnic groups are of mixed tenure.

- Benefits of Ethnic Diversity

Ethnic diversity within a local area can give benefit to the area through a stable resident population, entrepreneurial activity and leadership, and the development of social networks beyond the confines of the immediate locality.

### ***Ratcliffe et al and Power, 2001, Breaking down the Barriers, Improving Asian Access to Social Rented Housing, Chartered Institute of Housing, Coventry: UK***

Conducted before the race riots, the research attempted to understand why so little social housing is occupied by Bradford's South Asian population.

In terms of attitude towards council housing, Asian respondents said that it was location and the nature of the areas rather than the fact of living in council housing which was a problem. Respondents felt that Asians are being "dumped" in particular areas of the city and that council policies and practices reinforce spatial segregation between white and minority tenants.

The issue of segregation and low occupation of social housing by Bradford's Asian communities is a multifaceted problem. However a number of conclusions were drawn about improving the local authority's housing allocation system, which may be applicable to Ireland:

- Local Authority to tackle the issue of lack of trust among Black and Ethnic Minorities. This will require effective communication, including positive outreach work by the Local Authority
- Consideration of selected stock transfer of Local Authority housing to ethnic minority housing associations
- Greater and more effective marketing of the social rented stock to underrepresented groups
- Streamlining of application and letting procedures
- Developing local authority stock in areas relatively close to existing Black and Ethnic Minority communities. Group lettings of a number of ethnic minorities together can counter fears of isolation and the threat of abuse and harassment.

In addition to the recommendations made in section 4.4 regarding ethnic minorities, the following proposals may be for implementation at a later date, when there is increased demand for local authority housing from ethnic minorities:

- (g) Develop local authority stock in areas relatively close to existing Black and Ethnic Minority communities. Also offering properties in the same area and at the same time to several ethnic minority households can counter fears of isolation and the threat of abuse and harassment. This is usually more feasible in new developments where a number of properties can be offered at the same time.
- (h) Consider selected stock transfer of Local Authority housing to ethnic minority housing associations.
- (i) Make efforts to support ethnic minorities in their new homes. Tenant participation strategies have a role to play here.

The final recommendation in this section is for National Government.

The research finds that the Department of the Environment should review changes in the UK where the Department of Environment, Transport and the Regions updated its annual Housing Investment Programme (HIP) guidance to UK local authorities to emphasise the need for local authorities to take account of the needs of people from minority ethnic communities in drawing up their housing strategies. The guidance makes it clear that investment should be based on a proper assessment of the needs of the local minority ethnic population and sound systems of ethnic monitoring