Les Allamby  
Chief Commissioner  
NI Human Rights Commission  
Temple Court  
39 North Street  
Belfast  
BT1 1NA

Dear Les,

Thank you for your letter of 15th March 2018. I have set out below a preliminary response to the recommendations contained within the Commission’s investigation and report “Out of Sight, Out of Mind: Travellers Accommodation in NI” relevant to the Department for Communities.

A number of recommendations require consideration and approval of a policy or legislative changes, which the Department cannot progress in the absence of a Minister, an Executive and an Assembly. Whenever an administration returns, the Department will need to advise an incoming Minister of the recommendations within the report. In light of this it is not possible to provide definitive Departmental responses at this stage.

The Department has, however, already made progress against a number of the recommendations, particularly where work was already underway over the period of the investigation.

**DfC Recommendation i**  
The Department uses a Private Rented Sector Landlord newsletter to regularly communicate with all registered landlords. The most recent edition of the Newsletter included information on landlords’ legal responsibilities.

**DfC Recommendation ii**  
As you are aware, the Department is seeking further clarification from the NI Human Rights Commission on this recommendation. The Housing Health and Safety Rating System’ (HHSRS) is not the standard currently in place in Northern Ireland. The
Department is looking at the fitness standard in the private rented sector as part of the review of the role and regulation of the sector with a view to improving fitness standards in privately rented accommodation. Any changes to standards will require consideration by an incoming Minister and legislative change.

DfC Recommendation iii
The Department is committed to completing its review of the Design Guide for Travellers' Accommodation and that work was advanced when the investigation commenced. The Department expects to complete that review and consult as appropriate. It will also be subject to consideration by an incoming Minister.

DfC Recommendation iv
The purpose of the Caravans Act was to introduce statutory protections for those who occupy a caravan as their main residence on sites which have been approved for that purpose. The Act also creates a level of protection for other, mostly static holiday caravan owners by introducing a requirement for written agreements to be in place between site owners and caravan owners. The Act was introduced to provide clarity and protection for all who live in a caravan in residential and non-residential sites. The Act was reviewed in December 2016 and the Department will liaise with the Housing Executive, to see how the provisions in the Act can be made available and communicated to Travellers.

DfC Recommendation v
The Department will consult with the NI Housing Executive, the body with strategic responsibility for accommodation for the Irish Traveller community in Northern Ireland, to obtain further analysis of this issue. The Department expects that the analysis will be completed by March 2019. Any proposed change to existing legislation would require consideration and approval by an incoming Minister and Executive, and agreement by the Assembly.

DfC Recommendation vi
The Unauthorised Encampments (NI) Order 2005 was introduced in response to concerns about environmental, public health and traffic problems, caused by widespread unauthorised camping in NI. The Equality Impact Assessment on the Order concluded that it has the potential to impact adversely on Irish Travellers, and on Roman Catholics who are Irish Travellers, who use unauthorised encampments and who are recognised in legislation as a racial group under the Race Relations (NI) Order 1997. The impact of unauthorised encampments on landowners and the settled community also had to be taken into account. As a result the Department carries out an annual monitoring exercise on the impact of the Order on Irish Travellers. The monitoring indicates that the provisions of the 2005 Order have been applied sensitively, pragmatically and proportionately and are effective in balancing the rights of the Irish Travellers, landowners and the settled community. Any proposed change to the legislation would require the approval of an incoming Minister and Executive and the agreement of the Assembly.

DfC Recommendation viii
On a monthly basis the Department’s arrangements for oversight of the NIHE enable it to monitor the rate of expenditure from the NIHE budget for traveller sites. On an annual basis, the NIHE publishes detail on how its budget for travellers was spent as
part of its annual report. The Department will consider, by November 2018, whether, given the independence and statutory authority of the NIHE, these arrangements provide for appropriate oversight of spend on Travellers sites and sufficient publication of data. Oversight is independent of the NIHE and is subject to Departmental Internal Audit and the Northern Ireland Audit Office.

DfC Recommendations vii, ix and x
The Department will liaise with The Executive Office and in line with their timescales should they establish the thematic working group on Roma and Travellers. Any proposed changes to legislation would be subject to the approval of an incoming Minister and Executive, and the agreement of the Assembly.

All Public Authorities Recommendation i
The Department is fully aware of its obligations towards Travellers. The Department alongside all Northern Ireland Civil Service Departments has a range of education and information forums for staff. The Department’s Equality Scheme also recognises that awareness raising and training play a crucial role in the effective implementation of our Section 75 duties. The Department, in association with the Centre for Applied Learning, offers an effective communication and training programme for all staff which helps to ensure that our commitment to the Section 75 statutory duties is made clear.

All Public Authorities Recommendation ii
DfC Voluntary Community Division supports a number of community based organisations across NI that provide a variety of services that are available to all, including the Travelling community. There are currently no existing or new programmes open for application of funding.

All Public Authorities Recommendation iii
The Department has a complaints procedure in place for members of the public, including the Traveller community and guidance is provided on the Department’s website and on request. A complaint can also be made by members of the public under the Department’s Equality Scheme either verbally or in writing.

I trust you find this preliminary response to your report helpful.

Yours sincerely,

[Signature]

LEO O’REILLY
PERMANENT SECRETARY