



EUROPEAN UNION

Investing in Your Future

European Regional
Development Fund 2007-13

ERDF Equality impact
assessment guidance and
forms

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1. Introduction

The actions of public bodies can affect groups of people in different ways, which may result in unfair disadvantage or exclusion from opportunities to fully participate in the economic life of the region. Where this occurs it is known as “adverse or negative impact” and in many cases is unlawful.

To address and avoid adverse or negative impact we must assess our strategies, policies, programmes and projects for unfair disadvantage or exclusion, and put in place actions to change or mitigate any areas of concern. This process is formally known as an ‘Equality Impact Assessment’ (EqIA).

Equality of opportunity leads to increased economic participation, and EqIAs will help us to identify and develop areas of opportunity for people who are traditionally under represented in the economic life of the region.

This guidance has been produced to assist project leads to carry out effective EqIAs.

1.1 The legislation

Since 1995 in particular, a series of pieces of equality legislation have been passed, culminating in the Equality Act 2010. This Act requires public bodies to take a proactive approach to equality and diversity. Appendix 3 provides more information on the equality duty, however the public sector, and organisations using public funds and delivering on behalf of the public sector, is required to work towards:

- Eliminating unlawful discrimination, harassment and victimisation
- Advancing equality of opportunity between different groups
- Fostering good relations between different groups

To help us achieve our duty we need to ensure our proposed projects undertake Equality Impact Assessments, considering how they might affect the following groups:

- People of different age groups
- People with dependents and caring responsibilities
- People with a disability

- Women and men
- People belonging to all racial, cultural and ethnic groups
- People who are pregnant or subject to maternity legislation
- People who have a religion or belief, or who do not
- People who are gay, lesbian, bisexual and heterosexual or in a Civil Partnership
- People who intend to undergo, are undergoing or have undergone gender reassignment

2. Conducting Equality Impact Assessments

2.1 Different types of impact

An EqIA is a systematic process to identify the impact, or likely impact, a project or programme proposal will have on the different groups of people listed above. An impact is defined as ‘an intentional or unintentional lasting consequence or significant change to people’s lives brought about by an action or series of actions’. The impact of an investment can potentially be:

- **Positive** – a positive impact will actively promote equality of opportunity for one or more groups, or improve equal opportunities/relations between groups.
- **Adverse or negative** – an adverse or negative impact causes disadvantage or exclusion. If such an impact is identified the EqIA process will ensure that as far as possible it is either justified, eliminated, minimised or counter balanced by other measures.
- **Neutral** – a neutral impact is where there are no notable consequences for any diversity group.

There is no statistical test available for assessing impact, nor would such a test be appropriate. Whether an impact is adverse or not must be a question of professional judgement based on factual information and evidence. A given proposal may have a positive impact on one or more groups but an adverse impact on others. The EqIA process is designed to identify these differences and help to arrive at a view as to where the balance of advantage or disadvantage lies. It is important to explore the impact of proposals on diversity groups and explain why a given proposal has been developed in the way it has. It is necessary to ensure that an option for alleviating any adverse impact on one diversity group does not in turn create an adverse impact for another. If an adverse impact is unavoidable then it must be clearly justified and recorded as such.

2.2 Planned and unplanned differential impact

Differential impacts may be planned and/or desirable. As explained above, there may be a balance of advantage and disadvantage to be struck between different groups. There may be occasions where adverse impact can be justified as part of a wider strategy associated with positive action in relation to particular groups, or where the policy or investment deliberately attempts to encourage equality of opportunity for a particular group. Where this is the case it will be a question of providing a clear and legal rationale for these actions.

2.3 The two levels of EqlA

There are two levels of EqlA that can be undertaken depending on the likely impact of the proposed programme or project. This allows for a reasonable, practical and manageable approach to the process. These levels are:

- (i) initial screening EqlA
- (ii) full EqlA

Further explanation is provided below, but in broad terms the purpose of a screening EqlA is to determine whether there is any possibility of differential impact, to prompt a process of mitigating adverse impact, and address opportunities for tackling disadvantage and under-representation, before an investment is endorsed and approved. The action plan section of the impact assessment is critical in demonstrating how the project intends to mitigate risks and maximise opportunities. This action plan also forms a basis for monitoring.

The full EqlA is a natural progression from the screening stage if there remain significant uncertainties about the levels of impact on one or more of the identified diversity groups. It is also required if there is no agreement about the balance of differential impact between diversity groups and/or no obvious or acceptable way to mitigate adverse impact or address opportunities for positive impact. The process includes a more in-depth analysis supported by formal involvement and consultation of diversity groups, and fully evidenced research. Once a full EqlA is complete it should be possible to resolve the outstanding issues identified at the screening stage.

For a majority of projects, a well completed EqIA, with appropriate Specific, Measurable, Achievable, Realistic and Timebound (SMART) action plan, will be adequate.

2.4 When should an EqIA be carried out?

EqIAs are fully embedded into the ERDF investment appraisal process, and therefore all programmes or investments funded or part funded by ERDF are subject to an EqIA. A screening EqIA should be undertaken during the development of the business case for a new programme or investment. This screening EqIA should consider each of the functions of the project and their impacts on the equality characteristics.

2.5 Who is responsible for carrying out an EqIA?

The applicant responsible for developing a new programme or investment, is responsible for overseeing the completion of the EqIA. It is advisable that this is undertaken with the involvement, support and advice of other members of the functional area. Drafts of the EqIA can be sent to the Secretariat in order to obtain advice and guidance on their content. Contact details are provided in Appendix 4.

2.6 What happens to the EqIA once completed?

The screening EqIA should be attached as an annex to the business plan for consideration at appraisal.

3. Detailed guidance on Screening Stage completion

All projects must undergo the initial equality impact screening stage. This stage will determine whether or not a more in-depth analysis is required, and is based on what information is already available and known in relation to the issue, for example existing statistical information or earlier consultation results.

The principle outcomes from this stage should be either:

- (i) Concluding that there will be no significant differential impact on any diversity group arising from the proposal.
- (ii) Understanding that there is potential for significant differential impact which may result in an adverse impact on one or more diversity groups – requiring review of the proposal to mitigate this impact.
- (iii) Identifying any areas where the proposal may provide an opportunity to address disadvantage or under-representation for one or more diversity groups, and agree actions to address such opportunities.
- (iv) Identify the need for a more in-depth analysis in the form of a full EqlA.

A form has been designed for undertaking the screening stage and can be found in Appendix 1. The guidance below has been developed to assist with completion of this form. However, if projects have existing equality impact assessment forms they are used to completing these will be accepted, providing they supply an equivalent depth of information to the form in Appendix 1.

Question 1

Name of the strategy, policy, programme or project being assessed.

Fill in as required.

Question 2

In no more than 5 lines and using Plain English, www.plainenglish.co.uk summarise the purpose of the proposal, and its desired outcomes.

Summarise the main aims clearly, trying to avoid jargon and acronyms. This provides someone unfamiliar with the details of the project a transparent overview of the proposal.

Question 3

Who should benefit from the proposal and in what way?

List as required, for example people within a specific location, women, young people, older people, people from an ethnic minority community, SMEs etc. The question is designed to help projects think about any positive impact that may arise from the proposal, as well as anyone who may be excluded from benefiting from the proposal and the justification for this.

Question 4

Is there any evidence or reason to believe that in relation to this proposal, there may be a difference in:

- levels of participation
- uptake by different groups
- needs or experiences of different groups
- priorities
- other areas?

If yes please list

Evidence can be both formal and informal, and include:

- data/analysis from the South West Observatory www.swo.org.uk
- Local demographic data relevant to the proposal
- research into specific sectors
- reports about issues particular communities have in accessing certain careers or services
- feasibility studies
- feedback from meetings with diversity groups etc.
- Equality South West www.equalitysouthwest.org.uk

List the main sources, and quote selectively where appropriate.

If there are significant gaps in the evidence base which make it difficult to reach a decision about adverse impacts then it is important that further consultation/research is undertaken as appropriate. Investment leads will need to make a judgement about what is reasonable and justifiable in this context.

Question 5

Using the evidence listed above, fill in the table below to highlight the groups you think this proposal has the potential to impact upon:



Is there any potential for negative impact? Yes or No

It is important to consider this question in consultation with other people, as a variety of people will bring different thoughts to the process. Also consider involving or consulting organisations which represent the different diversity groups.

You can use the information you have gathered and analysed to decide whether the proposal may affect diversity groups differently, and whether any of these differences constitute disadvantage or unlawful discrimination.

Are there opportunities for positive impact or to promote equality of opportunity?

As above, use information you have already gathered or is available to highlight opportunities where the project can make a positive impact and promote equality of opportunity. As a prompt consider obligations contained in the equality duty (see appendix 3).

Question 6

Considering your answers to questions 1 - 5, do you believe a Full Equality Impact Assessment is needed?

If you are confident, on the basis of the information available, that there will not be an adverse impact, or that any adverse impact can be mitigated with a few changes, you may not need to proceed to a full impact assessment. However, if you need to undertake further significant consultation and research to resolve issues then a full EqIA will be required (see section 4 below). In most cases it is likely that any issues can be resolved at the screening stage, and it is only in a minority of cases that we would expect a full EqIA to be required.

Question 7

Considering our duty to proactively tackle disadvantage and promote equality of opportunity, list the actions required.

If you have identified an adverse impact you will need to detail the clear and measurable actions or changes that will be made to the programme or investment in order to mitigate this. If you cannot find a way to resolve an adverse impact at the screening stage, for example because of lack of information, or because more than one diversity group is affected, you should



progress to a full EqlA. For further advice on whether proceeding to a full EqlA is necessary, please contact the Equality and Diversity Adviser (see Appendix 4).

It is very important to list the actions which will be taken forward by the proposal to mitigate any risks and address opportunities to promote equality of opportunity. These will then be followed up through monitoring and evaluation, should the investment be endorsed and approved.

4. The Full Equality Impact Assessment

The full EqlA is a natural progression from the screening stage if there remain concerns about the proposed programme or investment in terms of adverse impact on one or more of the identified diversity groups. This is often the case if there are gaps in the evidence used during the screening stage.

The full EqlA is not different in nature from the screening stage of the process but should be undertaken in a structured, systematic way which may include primary research, consultation, engagement with and involvement of representatives from the diversity groups with a legitimate interest, or that potentially face an adverse impact as a result of the proposal. It should be timely, open and inclusive, and conducted in accordance with the principles detailed in our gender, disability and race equality schemes. Equality South West can provide routes to the various diversity groups you need to involve and consult. Public bodies should involve (i.e. engage proactively at an early stage) and consult disabled people in decision making and action planning processes.

It is important to consider any funding required for undertaking a full EqlA as part of any contingency/feasibility funding request in the investment appraisal process.

The aim of this stage is to conclude with clear recommendations on changes and amendments based on adequate and objective information. Clear evidence of the consideration of the impact of alternatives, the changes that have been made as a result and justification for the changes that haven't been made, must be apparent in the relevant documentation.

Appendix 2 provides the template which you should follow when undertaking a full EqlA.

Appendix 1

Screening Equality Impact Assessment Form

Summary

1. Name of the programme or investment being assessed.
2. In no more than 5 lines and using Plain English, <http://www.plainenglish.co.uk> summarise the purpose of the proposal, and its desired outcomes.
3. Who should benefit from the proposal, and in what way?

Evidence

4. Is there any evidence or reason to believe that in relation to this proposal, there may be a difference in:
 - levels of participation
 - uptake by different groups
 - needs or experiences of different groups
 - priorities
 - other areas?

If yes please list:

Impact

5. Using the evidence listed above, fill in the table below to highlight the groups you think this proposal has the potential to impact upon:



	Is there potential for negative impact? YES or NO	Are there opportunities for positive impact? YES or NO	If YES, please provide details of the impact below	
			Positive Impact	Negative Impact
All groups in society generally				
Older or younger people				
People with caring responsibilities				
People with a disability				
Women or men (including expectant or new parents i.e. pregnancy and maternity and people who are married)				
People who are black or from a minority ethnic background (BME)				

People with a religion or belief (or who choose not to have a religion or belief)				
People who are lesbian, gay or bisexual (LGB) or in a Civil Partnership				
People who are transitioning from one gender to another				



Your Decision

6. Considering your answers to questions 1 - 5, do you believe a Full Equality Impact Assessment is needed? Please explain your decision.

Action

7. Considering our duty to proactively tackle disadvantage and promote equality of opportunity, list the actions required.

Equality Group	Action / milestone	Responsibility (Project manager or partner organisation)	Achievement date	Monitoring arrangements

Sign Off Section

8. This Screening level EqIA was completed by:

Name

Organisation

Job Title

Signature

Date

On completion please submit this document with the business plan for appraisal. Guidance and advice on draft and final versions can be obtained from:

SIF Areas (Bodmin, Falmouth/Penryn, Newquay, Penzance/Isles of Scilly, Truro and St.Austell/Clay Country):

Sue Patton, Sustainability and Low Carbon Advisor, Cornwall Development Company, 01209 611115

sue.patton@cornwaldevelopmentcompany.co.uk

All other areas in the South West Region:

Lisa Sandercock, Cross Cutting Themes Adviser (Diversity), ERDF Secretariat, 0303 4446547 lisa.sandercock@communities.gsi.gov.uk



Appendix 2

Full Equality Impact Assessment

Summary

1. Name of the programme or investment being assessed.
2. Using Plain English, <http://www.plainenglish.co.uk> summarise the specific issues you would like to explore using the Full EqIA process (attach screening stage assessment).

For example, you may have discovered during the screening stage assessment that there is no evidence available to help you understand the needs of lesbian, gay, bisexual (LGB) people in relation to the recession, and your proposal relates to 'Improving skills during the recession. The Full EqIA should be used to ask LGB people about their needs and experiences in relation to the recession and how these insights could be incorporated into your proposal.

Evidence

3. What does the current evidence tell us about possible inequalities in relation to this proposal?

Equality Group	Issue(s)

Consultation

4. How do you plan to seek the views of the groups outlined above?

Method	<input checked="" type="checkbox"/>
General consultation event (open to all)	
Use Regional Equality Networks	
Specific & targeted consultation workshop	
Seek specialist advice from relevant organisations	
Commission Research	
Other (please detail)	

5. Using the table below summarise the results of the consultation exercise (attach full records of consultation carried out)

	Please outline each impact (positive or negative) identified through the consultation process	Impact Negative, positive or neutral?	Evidence The process should have highlighted new information e.g. secondary research or anecdotal experiences of individuals from specific groups
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Please continue on another sheet if required



Your Decision – Final Outcome

6. Based on the results of this Full EqIA please select how this proposal will be taken forward:

Decision	<input checked="" type="checkbox"/>
Implement proposal without making any changes	
Implement proposal but take action (listed below) to address impacts identified	
Implement proposal as a pilot and monitor for impact	
Abandon proposal and redesign with involvement of specific groups from the outset	

Action

7. Considering our duty to proactively tackle disadvantage and promote equality of opportunity, list the actions required.

Action How will identified impacts be addressed?	Implications for the Agency (financial, risk, benefits etc)	Responsibility (Project manager or partner organisation)	Achievement date	Progress review date	Monitoring arrangements



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Sign Off Section

8. This Full EqIA was completed by:

Name

Organisation

Job Title

Signature

Date

On completion please submit this document with the business plan for appraisal. Guidance and advice on draft and final versions can be obtained from:

Infrastructure and Workspace in SIF Areas (Bodmin, Falmouth/Penryn, Newquay, Penzance/Isles of Scilly, Truro and St.Austell/Clay Country):

Sue Patton, Sustainability and Low Carbon Advisor, Cornwall Development Company, 01209 611115

sue.patton@cornwaldevelopmentcompany.co.uk

Revenue, Infrastructure and Workspace in all other areas in the South West:

Lisa Sandercock, Cross Cutting Themes Adviser (Diversity), ERDF Secretariat, 0303 4446547

lisa.sandercock@communities.gsi.gov.uk



Appendix 3

Summary of public sector equality duty

The following public sector duty information is taken from the [Equality and Human Rights Commission](#) website, and must be taken into account when undertaking an EqIA

The equality duty was created by the Equality Act 2010 and replaces the race, disability and gender equality duties. The duty came into force in April 2011 and covers age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation. It applies in England, Scotland and in Wales. The general equality duty is set out in section 149 of the Equality Act. In summary, those subject to the general equality duty must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity between different groups
- Foster good relations between different groups

The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnership. The Equality Act also gives Ministers the power to impose specific duties through regulations. The specific duties are legal requirements designed to help those public bodies covered by the specific duties meet the general duty.

Following a government consultation, the Equality Act 2010 (Specific Duties) Regulations 2011 were laid before Parliament for approval, and came into force on 10 September 2011.

These regulations will promote the better performance of the equality duty by requiring the publication of:

- equality objectives, at least every four years
- information to demonstrate their compliance with the equality duty, at least annually



Appendix 4

Contact Details

Revenue, Infrastructure and Workspace Projects in all areas in the South West except the SIF areas below:

Lisa Sandercock
Cross Cutting Themes Adviser (Diversity)
ERDF Secretariat
0303 4446547
lisa.sandercock@communities.gsi.gov.uk

Infrastructure and Workspace projects only in the Convergence SIF Areas (Bodmin, Falmouth/Penryn, Newquay, Penzance/Isles of Scilly, Truro and St.Austell/Clay Country):

Sue Patton
Sustainability and Low Carbon Advisor
Cornwall Development Company 01209 611115
sue.patton@cornwalldevelopmentcompany.co.uk



Appendix 5

Glossary of Terms

Adverse Impact

A significant difference in patterns of representation or outcomes for diversity groups, with the difference amounting to a detriment for one or more groups.

Differential Impact

Suggests that a particular group has been affected differently by a strategy, policy, programme or project in either a positive or negative way.

Definition of Disability

The Disability Discrimination Act (DDA) defines a disabled person as 'someone who has a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities'.

Discrimination

- **Direct Discrimination**

Treating people less favourably than others because of their age, disability status, gender, race, religion or belief, sexual orientation or transgender status.

- **Indirect Discrimination**

Applying a provision, criterion or practice that disadvantages people on the grounds of age, disability, gender, race, religion or belief, sexual orientation, transgender and that cannot be justified as a proportionate means of achieving a legitimate aim.

The concept of 'provision, criterion or practice' covers the way in which an intention or policy is actually carried out, and includes attitudes and behaviour that could amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping. To find discrimination it will be sufficient to show that a practice is likely to affect the group in question adversely.



Equality or Equal Opportunity

Providing opportunities regardless of age, disability, gender, race, religion or belief, sexual orientation or transgender.

Functions

The full range of activities carried out by a public authority to meet its duties.

Harassment

Words, conduct or action usually repeated or persistent that, being directed at a specific person, annoys, alarms, or causes substantial emotional distress to that person and serves no purpose.

Monitoring

A process for collecting, storing and analysing data about individuals' diversity status, and linking this with planning and implementing policies.

Policies

Policies are the sets of principles or criteria that define the different ways in which an organisation carries out its role or functions, and meets its duties. Policies also include formal and informal decisions made in the course of their implementation.

Qualitative data

Information gathered from individuals about their experiences. Qualitative data usually gives less emphasis to statistics.

Quantitative data

Statistical information in the form of numbers normally derived from a population in general, or samples of that population.

Race

Under the Race Relations Act it is unlawful to discriminate against anyone on grounds of race, colour or nationality, and includes Gypsy and Traveller Communities.

Religion or Belief

Religious groups cover a wide range of groupings the most of which are Buddhist, Christians, Hindus, Jews, Muslims, and Sikhs. Consider these categories individually and collectively when considering impacts.



Trans communities

- **Transgender/transsexual person**

A person whose perception of their own gender (gender identity) differs from the gender they were assigned at birth.

- **Gender reassignment**

The process of transitioning from the gender assigned at birth to the gender the person identifies with. This may involve medical and surgical intervention.

