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Olympic Delivery Authority



Procurement and Supplier Diversity Equality Impact Assessment



MAYOR OF LONDON

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Contents

1	Introduction	5
2	Equality and Diversity Strategy and procurement	6
3	ODA Procurement	6
3.1	Procurement team	6
3.1.1	Supply Chain team	7
3.1.2	Buyer Engagement and Support	7
3.1.3	Bravo e-tendering/AWARD	7
3.1.4	Procurement Team organisational chart	8
4	Procurement support	9
4.1	CompeteFor	9
4.2	London Business Network	9
4.3	Business Link Operators	10
4.4	Business Link London	10
4.5	East London Business Place	10
4.6	Supply London	10
4.7	Diversity Works for London	10
5	Impact assessment	11
5.1	ODA current position	11
5.1.1	Maximising the contribution of the procurement function to promote equality	11
5.1.2	Meet the Buyer events	11
5.1.3	Meeting of Minds	12
5.1.4	Networking events	12
5.1.5	Introducing contractors to a diverse pool of supply	12
5.2	ODA current position with regard to supply chain and contractors	12
5.3	ODA current position in integration and capability	13
5.4	ODA current position on monitoring and review	13
5.5	Impact of current activity	13
6	Identified changes	18
7	Conclusions and recommendations	18
8	Action plan	20
9	References	36
10	Appendix 1 ODA E&I Target Groups	37

1 Introduction

This impact assessment will identify, and remove where possible, any potential adverse impact of the Olympic Delivery Authority (ODA) procurement process on small and medium enterprises (SME's), social enterprises and businesses owned by people from all equality and inclusions (E&I) groups¹ but with a focus on black Asian and minority ethnic people, women and disabled people. The ODA is committed to ensuring that its requirements are appropriate to the size and scale of the contract being awarded.

The assessment will focus on the delivery of the ODA Equality & Diversity (E&D) Strategy in relation to procurement taking into account recommendations from reports commissioned for or by the ODA, Equality and Human Rights Commission, London Development Agency (LDA), and London First. The main reports focus on research carried out to understand the issues with delivery of procurement and supplier diversity for the public sector procurement for the London 2012 Olympic and Paralympic Games and include:

- Equality and Human Rights Commission (EHRC): Procurement and supplier diversity in the 2012 Olympics
- Procurement Accessibility
- Royal National Institute for the Blind (RNIB) and Ability Net accessibility review
- Arup: London's Business Opportunity Prospectus Maximising the benefit of the London 2012 Games (January 2007)
- Equality and Diversity Forum: Public procurement and equality: steps towards a standard tendering framework (November 2008)

The reports have detailed the current situation and the work which needs to be undertaken to deliver the ODA procurement principles (the Principles) set out in the ODA Procurement Policy, available on the London 2012 website.²

The Principle objectives in delivering equality and inclusion after the Games should reflect:

- the aspirations and commitment of London's bid for the 2012 Games;
- the development of London as an exemplary, sustainable world city;
- strong, long-term and diverse economic growth locally, regionally and nationally,
- fundamental improvements in the environment, utilising relevant measures, and in the way in which resources are used; and
- the regeneration and development, benefiting the local communities and the wider Thames Gateway.

The ODA is committed to promoting equality and inclusion amongst our diverse communities and across its supply chain and to undertake procurement in line with its Equality & Diversity Strategy and in accordance with its statutory duties to promote equality. The Procurement Policy states that the ODA will contract with agencies and companies who will embrace the ODA's E&D Strategy aims and objectives on equality and inclusion in performing their role, and who are capable of assisting the ODA in meeting its statutory duties to promote equality.

¹ Appendix 1: ODA E&I target groups

² www.London2012.com

Suppliers' commitment to equal opportunities and diversity in relation to the performance will be assessed and monitored. The ODA is committed to ensuring that its suppliers adhere to all legislation on equality and discrimination, and will operate equality monitoring systems to this end.

The ODA seeks to contribute to local, regional and national economic development through its procurement activities and through industry consultation gain access to the best advice, and access the most valuable experience available. To this end, the ODA will monitor and require its contractors to monitor supply chains. It will look in the supply chains for organisations that can deliver on time and to agreed costs.

The ODA will let the majority of the contracts for the infrastructure, transport and construction of the venues for the London 2012 Games.

ODA Tier One contracts, as well as all ODA orders throughout the supply chain, will be listed on CompeteFor, London 2012's chosen website for publishing Games-related contract opportunities.

2 Equality and Diversity Strategy and procurement

The ODA aims to ensure that the procurement of all work, goods and services arising from its delivery programme is transparent, fair and open to a diverse range of suppliers including SMEs, social enterprises, and businesses owned by BAME people, women and disabled people.

These aims equate to the following desired outcomes, which will form the basis against which the procurement policy will be assessed:

- demonstrably fair tendering and contract award processes; and
- black, Asian and ethnic minority, women and disabled people-owned businesses, SME's and social enterprises operating in the supply chain.

3 ODA Procurement

3.1 Procurement team

The ODA procurement team consist of a number of experienced buyers and procurement professionals. They work to source likely candidates, test the market, and manages the PQQ/ITT process through to contract award.

The ODA have procured our own frameworks, but also utilise Catalist, DWP and Cabinet Office frameworks extensively. This is where a series of suppliers have already been through rigorous checking under European legislative processes in order to be considered a 'preferred supplier'. The ODA issues a bid to the framework who then bid against each other to win the contract. All service tenders over approximately £140k or works tenders over £3.5 m over their life time value go to Official Journal of the European Union (OJEU), where all European public sector contracts, of that value, have to be advertised. The OJEU tender notice is also placed on CompeteFor in order to maintain transparency to SMEs.

ODA Procurement, as part of sourcing, hold 'industry days' together with trade bodies, in order to communicate the needs to a sector prior to the bid process.

3.1.1 Supply Chain team

On award of a contract the contractor works with the ODA Supply Chain team to confirm the supply chain which they have in place, which may have been identified as part of the procurement process, or would needed to continue in order to complete the contract.

Each Tier One contractor is allocated a ODA Supply Chain Manager (SCM) to ensure we understand the complexities of their tiered supply chain. The SCM also facilitates the contractor in sourcing any additional suppliers they may need. The ODA SCM is allocated to a main Tier One contractor. SCM would assist the contractor in sourcing the right suppliers for each Tier Two items which are generally still major contracts.

3.1.2 Buyer Engagement and Support

The BiP team are external to the ODA, contracted to deliver CompeteFor to the buying market in fulfilment of our promises to ensure opportunity transparency. BiP Scotland are a respected public sector tendering organisation which developed Supply2.gov, the Governments tender advertising portal, and also deliver a range of training on bidding for public sector contracts, nationwide.

The BiP team is a national sales team whose mandate is to engage with every buyer and work the supply chains in order to identify 75,000 opportunities. They manage 'the pipeline' of known opportunities advised to them by contractors, this information is also shared with other LDA funded programmes.

3.1.3 Bravo e-tendering/AWARD

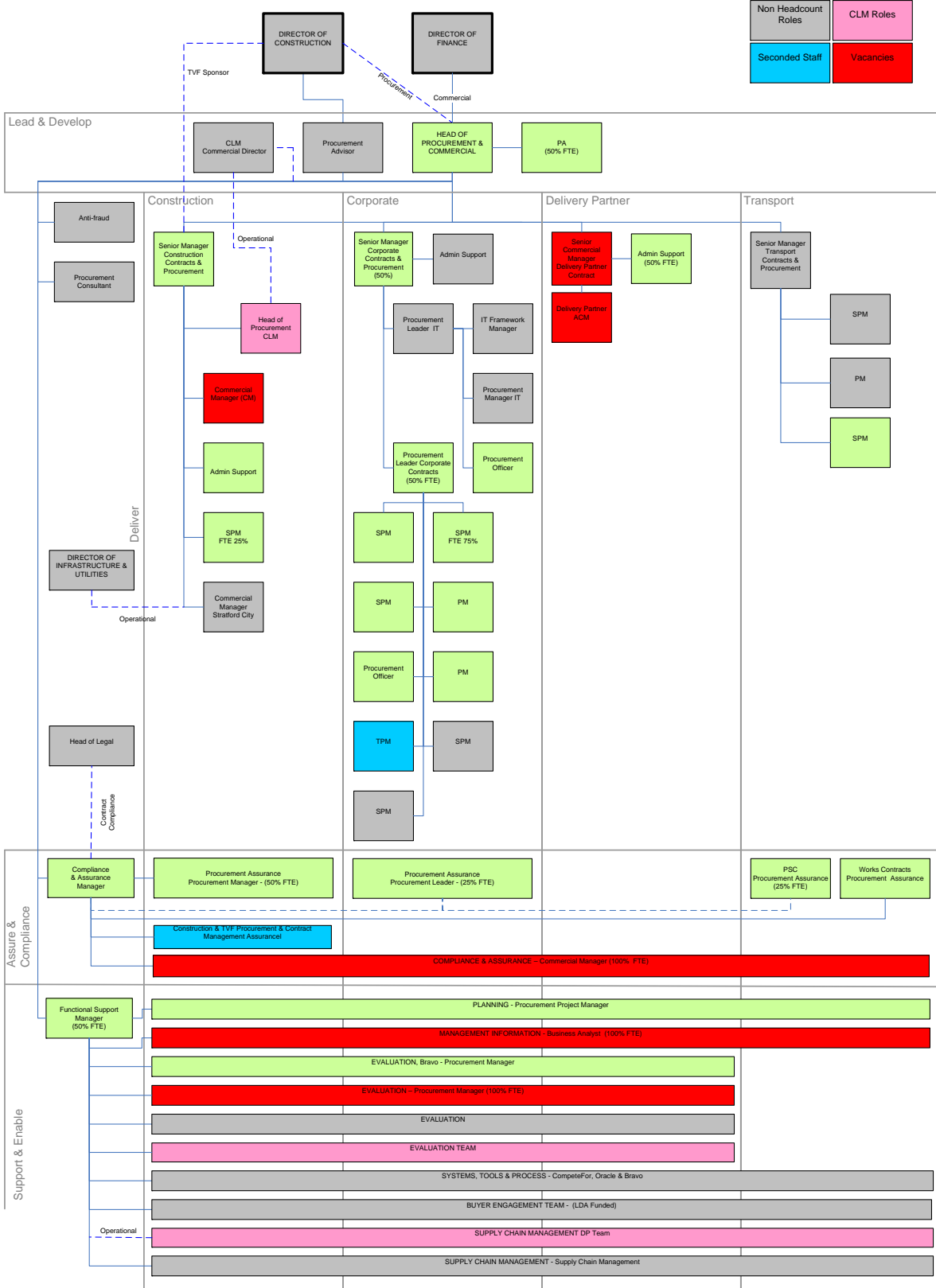
The ODA makes full use of e-procurement tools, in particular:-
e-Tendering to facilitate the interaction between the ODA and suppliers for submission of tender documentation, responses and clarifications, and
e-Evaluation to facilitate the evaluation process, monitoring and reporting.

3.1.4 Procurement Team organisational chart

Procurement & Commercial
Version 3.0 (FINAL)

Wednesday, April 08, 2009

Perm Staff	Non Perm Staff
Non Headcount Roles	CLM Roles
Seconded Staff	Vacancies



4 Procurement support

The following information details the current networks in place to support and provide information to suppliers for business opportunities for the Games.

4.1 CompeteFor

The CompeteFor service (www.competefor.com) is an innovative approach in encouraging businesses to benefit from 2012 opportunities by creating access to public and private sector procurement activity within the 2012 supply chain. The ODA and London Organising Committee of the Olympic Games and Paralympic Games (LOCOG) estimate that approximately 75,000 contract opportunities will flow from their direct procurement activity. Together, they have committed to securing at least 20 per cent of those contracts to be advertised on CompeteFor. In addition, CompeteFor is working hand-in-hand with the national network of Business Link service providers, serving to build increased capability and capacity amongst UK businesses. Colleagues within the Department for Business, Enterprise & Regulatory Reform (DBERR) London 2012 Legacy department are supportive of CompeteFor's approach and have actively helped to co-ordinate and spread best practise amongst all Regional Development Agencies (RDAs) with a view to providing standardised, quality business support.

The project has been developed with significant support and input from both the ODA and LOCOG Procurement teams. Furthermore, it receives funding from all of the English Regional Development Agencies and the devolved administrations of Scotland, N. Ireland and Wales. The project is also supported by central government departments of DBERR and the Government Olympic Executive (GOE).

Top tier suppliers such as Sir Robert McAlpine, Nutalls, Balfour Beatty, Skanska Civil and Westfield are using the system for their London 2012 supply chain requirements, corporate contracts and other non-2012 contracts. All LDA contracts now go through the system, Greater London Authority (GLA) are piloting, and both Bovis Lend Lease (Olympic Village development) and Westfield (Stratford City development) have agreed to use CompeteFor.

This service and the programme as a whole is particularly focused on helping SMEs and diverse-owned businesses to access public and private sector contracts, build their capacity and make them more competitive, thereby creating a sustainable legacy from the Games. This approach will help businesses deal more effectively with the difficulties faced in this current economic climate.

CompeteFor is not a project that should be seen in isolation. The LDA has invested in various programmes to support supplier diversity and achieve the London 2012 Games objectives to maximise the business benefits of the Games.

4.2 London Business Network

The London Business Network (LBN) programme of engagement is fundamental to the success of Compete For. The LBN is comprised of the Confederation of British Industry (CBI) (London branch), London Chamber of Commerce and Industry (LCCI) and London First. The LDA grant funds LBN to deliver a supplier engagement – promoting London 2012 opportunities to London's business community, particularly SMEs and diverse-owned businesses, and to encourage registration on the Compete For website. LBN have been instrumental in the development and delivery of the Compete For service and have developed a unique partnership across London to deliver a successful awareness raising

programme. LBN work with London boroughs, trade associations, business support providers and local chambers of commerce to deliver workshops and events, accessing communities who typically would not have a good awareness of London 2012 opportunities.

4.3 Business Link Operators

CompeteFor is working hand-in-hand with the national network of Business Link service providers, serving to build increased capability and capacity amongst UK businesses

4.4 Business Link London

In London, Business Link in London (BLiL) receive referrals from CompeteFor relating to all non-business ready London-based organisations. BLiL provides the gateway for all publicly funded business support services in London and is key to increasing the capability of SMEs.

4.5 East London Business Place

The London Development Agency has brought together the Canary Wharf Group plc and East London Business Alliance in a unique partnership of the public and private sectors to improve the prospects for London's small and medium sized businesses. The recently launched East London Business Place (ELBP) provides face to face business support, events and training that will compliment the LDA's other small and medium sized support services such as CompeteFor. ELBP targets micro and small to medium enterprise and buyers across all industry sectors to achieve maximum economic benefits for businesses in East London. Supporting local SME growth in turn this way will support the local economy and help to sustain the local employment market in east London both in the run up to the Games and well beyond.

4.6 Supply London

The LDA funds the project to support SMEs seeking to win contracts opportunities from the public and private sectors, specifically those featured on CompeteFor. This project, together with BLiL is instrumental in helping to build the capability and capacity of SMEs registered on the CompeteFor database, thereby creating a sustainable business legacy from the Games. This project has an impressive track record of supporting diverse-owned businesses.

4.7 Diversity Works for London

Diversity Works for London (DWfL) is another flagship LDA programme and also part of the Mayor's Equalities Vision. DWfL supports the implementation of diversity within the workplace across London's business network. DWfL is unique in its approach to equality and diversity

5 Impact assessment

The impact of the ODA Procurement Policy has been assessed against current activity; published aims of the E&D Strategy; and the conclusions from commissioned reports.

5.1 ODA current position

The evaluation of tenders and award of contracts will be based on merit, including evaluation against the ODA's balanced scorecard. Ownership of a company, or type of company, will not play any part in these decisions.

All direct contracting opportunities are advertised on the London 2012 website. Businesses are currently able to register via the website for e-alerts notifying them of new tendering opportunities.

5.1.1 Maximising the contribution of the procurement function to promote equality

Procurement of goods and services has a major part to play in the promotion of equality. Equal opportunity should be provided to all businesses and is embedded in both European legislation and public sector best practice guidelines; including the Governments own 'sustainable procurement' agenda. By ensuring that opportunities for supply are widely advertised enabling all businesses to participate is essential to equality aspirations.

The ODA has committed to using CompeteFor to advertise all non Framework supply opportunities. This includes advertising OJEU tenders as well as sub-threshold supply needs. All businesses have an equal chance of bidding for these contracts subject to their business probity, size and capability. OJEU tenders for frameworks will already have required Equality & Diversity policies to be in place with winning companies.

When undertaking procurement we assess our needs against the sector availability both locally and within the SME business community. In doing so it facilitates 'industry days' to ensure that ODA requirements are fully known by the sector and opportunities explored within it; e.g. architectural design, landscaping etc.

Furthermore through our major procurement contracts the ODA build in a requirement for contractors to ensure high levels of supplier monitoring throughout their own supply chain especially in the area of supplier diversity. This promotes Equality & Diversity throughout the tiers and aims to facilitate a step change within the construction sector in this area.

5.1.2 Meet the Buyer events

The Procurement team will participate in 'meet the buyer' type events where Tier contractors are engaged to participate with potential suppliers. These events can be organised along formal lines where suppliers gain timed appointments with buyers or, they can be expedited in plenary sessions usually including opportunity for one to one conversation and/or questions and answers sessions. The ODA in conjunction with the Regional Development Agencies (RDA) are arranging two events per region enabling a selection of contractors to meet with SMEs invited by the RDA. As part of these events a tour of the Park is included and update briefings ensuring SMEs are kept apprised of developments and ways in which they might seek future business opportunities. The RDAs are encouraged to ensure a diverse range of SMEs are included in these invitations.

5.1.3 Meeting of Minds

Small informal meetings are convened twice a month to enable SMEs, particularly those from minority areas to gather and meet up with a representative contractor. The purpose of these meetings is to ensure that locally based businesses are updated with developments and offered an opportunity to hear directly from the ODA and its contractors on how best to seek for opportunities to do business with them. Usually these meetings take place at the ODA but sometimes within the business community at venues around the five Host Boroughs. Businesses are usually invited through the auspices of the business support partners who have access to minority led organisations.

5.1.4 Networking events

In conjunction with business support partners the ODA attend many networking events. These are convened with the view of getting business to business relationships built and to enable SMEs to hear directly from the ODA regarding business opportunities, timings and supply requirements. These events usually include some plenary presentations which provide an ideal opportunity for showing photographs and plans as well as engaging in question and answer sessions.

5.1.5 Introducing contractors to a diverse pool of supply

Through a variety of initiatives which include Meeting of Minds, Networking events and 'meet the buyer' type events, the ODA ensures its tier contractors are made known to the supplier community. More importantly a diverse range of suppliers are introduced to the ODA supply chain. These businesses are sourced either through the London Business Network, the RDA programmes or through business support partners which include Business Link and within London, the ELBP and Supply London. Providing valuable meeting places for suppliers of all kinds interested in doing business with London2012 contributes hugely to the promotion of equality and diversity by the Procurement function for the London 2012 Games

5.2 ODA current position with regard to supply chain and contractors

ODA contractors are being encouraged to work proactively with the ODA's delivery partner's supply chain management programme. They will support contractors in diversifying their supply chain, and provide opportunities for contractors to advertise new subcontracting opportunities to a wide audience.

The ODA contractual agreement requires that successful bidders enable supplier diversity within their own supply chains and report results on this. The ODA works with Tier One contractors to support them in delivering the ODA equality and procurement objectives particularly by introducing them to a range of supply capability. Contractors are also supported in the use of the CompeteFor.

Supplier diversity is not a new concept, however CompeteFor is breaking new ground. The buying process can be quick or take considerable time. Private sector procurement is not regulated rather it relies on 'good practice'. As many contractors also work for the public sector, they are keen to acknowledge and work with issues around sustainability as they understand that this is key to success in the award of future contracts.

The ODA recognises the difficulties and barriers faced by minority-owned companies in accessing public sector contracts. The ODA also recognises the benefits of having a diverse supply chain. In order to maximise the diversity of its supply chain the ODA is working with each region and devolved authority to host engagement events for SMEs and assisting with the promotion of CompeteFor through the London Business Network.

5.3 ODA current position in integration and capability

The ODA has developed a training programme for all Procurement managers to ensure they have the skills to deliver the ODA equality objectives in regard to procurement. The ODA has also provided all suppliers with additional information, on the London 2012 website, with regard to our expectations for the E&I questions in the PQQ and ITT process.

5.4 ODA current position on monitoring and review

The ODA has developed equality monitoring system for the procurement process, this involves; collecting data on the ownership of companies by size, ethnicity, gender, disability and location at the stages of registration, pre-qualification, submission of tenders and tender award. The ODA will seek to do this for its direct contracts, and will work with its contractors to encourage and enable them to do the same for their subcontractors; also:

- encouraging direct contractors to monitor the ownership of their existing suppliers;
- analysing the results of this monitoring by project and size/type of contract;
- using the results of this monitoring to make adjustments to the ODA's own procurement process, should this be appropriate, provide feedback to direct contractors as part of the supply chain management programme;
- feeding back the results of this monitoring to the LETF and LEST and other partners including the Nations and Regions Group, should it indicate the need for changes to the level and type of business development and support, or to whom it is targeted.

5.5 Impact of current activity

1 Report conclusion:

The ODA regulatory obligations under UK and EU law inhibit action to favour small businesses in the five Host Boroughs or those in specific target groups on contracts at OJEU level.

Impact:

- There is little scope for any form of positive action to be undertaken to ensure that the ODA E&D objectives are met through direct procurement.

Issue:

- The ODA must select contractors on best value grounds in a fair manner, which means that no favour can be shown towards suppliers on grounds of size, location or other characteristics. They must therefore be met by other means.

2 Report conclusion:

The ODA fulfils its public duties with respect to equality and diversity, by requesting information from contractors with regard to the delivery of their statutory obligations regarding equality.

Impact:

- The ODA relies on accurate data and information from its supply chain in order to fulfil its E&D objectives. However the ODA has very limited control over the level of delivery by contractors further along the supply chain.

Positive impacts:

- The ODA provides all suppliers with additional guidance for the E&I section of the PQQ and ITT process
- All suppliers are required to demonstrate how they promote equality when completing the E&I questions at PQQ and ITT stage.
- E&I questions have the same weighting as other ODA Governance sections at PQQ stage.
- All Tier One contractors who work on the Olympic Park are required to promote equality as part of their delivery of goods and services.

Issues:

- The ODA cannot exclude a company which does not have equality policies or practices in place.
- E&I questions make up 8 per cent of the overall score at PPQ stage, therefore E&I does not have a major influence on supplier selection.
- Suppliers who win contracts which are not on the Olympic Park i.e. corporate or off Park contracts are not required to carry out any work to promote equality.
- The lack of accurate data with regard to the number of minority owned business makes it very difficult to set benchmarks supplier diversity performance by Tier 1 and sub-contractors.
- To fully understand the impact that the ODA is achieving in the delivery of supplier diversity it is important to be able to monitor the number and percentage of procurement opportunities which are placed on CompeteFor, the award of contracts; and the success or otherwise of the Tier One contractors and sub-contractors diversity of their supply chain.

3 Report conclusion:

To deliver the ODA Procurement and E&D Strategy's objectives there is a need to have a robust accountable monitoring system in place, which is not resource-intensive, but can monitor and report process throughout the supply chain.

Impact:

- CompeteFor is the principal chosen monitoring system. However it does not enable equality owned business to identify themselves as such to potential buyers.
- Also on CompeteFor, buyers are not able to identify potential business to create a diverse supply chain at shortlisting for PQQ.
- ODA needs to position a robust monitoring system for supplier diversity throughout the supply chain in pursuit of its E&D Strategy objectives.

4 Report conclusion:

CompeteFor is a system which offers opportunities for public sector procurement beyond what has been in place in the past.

Impacts:

- The small number of SMEs and minority owned businesses experiencing success in winning contracts following registration on CompeteFor can lead to a negative experience and reluctance to promote CompeteFor to others.

- e-brokerage and e-tendering can present access issues for a number of people from E&I target groups.
- Existing suppliers who are actively promoting and delivering the ODA E&I objectives, but who have a smaller turnover may find that they no longer get selected for PQQ.

Issues:

- CompeteFor and the ODAs e-tendering systems are required to be accessible to all.
- CompeteFor model relies on enabling and encouraging registration and access to contract opportunities by all types and sizes of firm. Raising participation among E&I groups will not necessarily translate into an increased number of responses to contract opportunities and ultimately contract awards to these groups. This approach might not suffice to generate a proportionate number of contract seekers and winners for business owned by people equality groups.
- Minority owned business may have little or no knowledge about CompeteFor
- The minority owned, local SME business success in winning contracts is not being delivered by the CompeteFor system.
- ODA only advertise contract opportunities outside existing frameworks.

5 Report conclusion:

Businesses aspiring to win supply contracts have had their expectations raised through publicity. This has resulted in SMEs expecting to win contracts from an early stage in the programme.

Business associations have recognised that the Games could have both a positive and negative affect on businesses in the five Host Boroughs.

Impacts:

- High expectations on the part of the business community not being fulfilled could create risk to the overall reputation of hosting the Games in London.
- Business could be driven from, and change made to the make up of the five Host Boroughs by the possible inflation in property prices and rents as a result of the Games.

Issues:

- SMEs are not in a position to win contracts at the start of the programme because they either lack the capacity to deliver or are engaged in activity which is not relevant to the programme.
- The majority of opportunities at the early stage large too large for SME's;
- Opportunities below the OJEU threshold are not necessarily being reviewed to see if they could be broken down into smaller packages to enable SME's to compete; and
- Economic climate which might have a detrimental effect on the area.

6 Report conclusions:

The ODA practices and policies go a long way to delivering a diverse supply chain within the context of existing regulations and regulatory requirements. Utilising the CompeteFor e-brokerage system links SMEs suppliers with Games-related opportunities however there is a need to manage expectations that this will lead to contract awards.

Impact:

- If contract awards do not result then the ODA E&D Strategy will have deemed to have failed

Issue:

- Use of CompeteFor as the principal means by which the E&D Strategy is delivered

7 Report conclusions:

A small percentage of SMEs within the UK, have been successful in the tendering process with regard to public sector procurement; and a number are in a position to apply for advertised contract opportunities.

Impacts:

- The potential benefits of local economic regeneration are not necessarily delivered through CompeteFor.
- Economic impact and community benefit, within the 5 Host Boroughs, will be low if opportunities to utilise able supply are not maximised.

Issue:

- Tier one and sub-contractors need to work with the ODA to ensure minority owned, local SMEs are able to tender and are aware of the opportunities arising from the Games

8 Report conclusions:

There are a number of competing pressures for the ODA in addition to achieving a diverse supplier base, including delivery on time on budget and fit for purpose.

Impact:

- More large, high turnover companies with well proven experience are likely to be awarded contracts. Resulting in less innovation and community benefit

Issue:

- If contract awards for minority SMEs do not result, then the procurement process will not deliver the ODA E&D Strategy objectives.

9 Report conclusions:

ODA should provide feedback to unsuccessful suppliers who have not been successfully short listed in relation particular contract opportunities.

Impact:

- Unsuccessful SMEs are unable to improve their capacity as they will not know where they have failed and need to improve.

Issues:

- Currently the only suppliers who receive feedback on CompeteFor, are those who have been successfully short listed for PQQ. Suppliers who have applied but have not been short listed do not receive feedback to enable improvement; these suppliers are also unidentifiable to potential buyers.
- Resource within procurement teams to enable feedback
- All contract opportunities need to be as clear and transparent as possible, providing level of detail about goods and services required.

10 Report conclusion:

The ODA and contractors need to actively promote the success stories of local and minority owned SMEs.

Impact:

- Success stories would generate motivation and enthusiasm and increase supplier participation.

Issue:

- London 2012 branding protocols can make the active identification and promotion of SME success stories difficult.

11 Report conclusion:

Most London 2012 business opportunities for small firms lie closer to 2012 than to 2008.

Impact:

- The interim ‘delay’ creates lack of motivation and enthusiasm. This in turn results in higher risk to sustainable community benefit.

Issues:

- There may not be time to mitigate this risk towards the end of the period.
- Contractors will tend to want to use their own captive supply chain to ensure delivery on time.
- At least 96 per cent of suppliers in the five east London Host Boroughs are small (employing less than 50 employees) so most local business will only be able to access opportunities at the lower tiers of the supply chain.

12 Report conclusions:

ODA needs to continue to ensure that Tier 1 contractors are aware of their contractual obligations with regard to supplier diversity.

Impacts:

- Contractors find themselves in new territory and prefer to spend time fulfilling the actual contract. The ODA may need to apply resource to ensuring contractor compliance in this area.
- Resource is needed to fully understand the impact that the ODA is achieving in the delivery of supplier diversity. It is important to be able to monitor the number and percentage of procurement opportunities which are placed on CompeteFor, the award of contracts; and the success or otherwise of the Tier 1 contractors and sub-contractors diversity of their supply chain.
- Tier One contractors contracts require the development of a diverse supply chain. However a number of the Tier One and Two contractors which have won contracts with the ODA already have in place a committed supply chain. These are supplier/sub-contractors that they work with on all their major projects.

13 Report conclusions:

There is a need to have a clear strategy for the promotion of innovative SMEs to present products and services ideas to potential buyers where no contract opportunity currently exists on CompeteFor.

Impact:

- ODA misses out on the excellent creativity for which London is renowned. SMEs in vital sectors miss out completely on business opportunities.

Issue:

- Ability to convene and host Industry Days and ‘Meet the Buyer’ type events to enable suppliers and buyers to engage and discuss innovative ideas

6 Identified changes

This section should draw out changes that will, or should be made in future, to the programme of work. The information should also include how we could improve our working practice in the future drawing on and recognising where there may have been gaps in the past which could have had a negative impact.

If a negative impact is identified and it is not possible to mitigate or pass on the impact this section should include an explanation of the reasons why no action will be taken.

This section is particularly important for retrospective EqIAs where there may have been minimal or no consultation, engagement or research on the impact the programme of work would have on equality groups.

The promotion of positive impacts by the ODA include increasing engagement with minority and locally owned SMEs to not only promote CompeteFor and improve accessibility to these groups but to also identify specific expertise and capabilities of these businesses in order to break down opportunities that would be suitable for these groups to bid for. A separate database to CompeteFor will be compiled with these details.

The ODA also aims to facilitate the award of contracts to minority owned and local SMEs by selecting these businesses to be moved through to the PQQ stage of procurement, where they stand an improved chance of winning contracts

Legal/LOCOG currently prohibit the publication of successful businesses awarded contracts on CompeteFor except artists. A number of approved case studies have been made available which could be suitable for publication. The ODA will actively engage with branding/marketing to overturn this ruling for all businesses.

7 Conclusions and recommendations

There are a number of recommendations from the reports which are outside the scope of the ODA Procurement Team however the main points which have been addressed in this assessment will require action and/or acknowledgement of their impact by the ODA if we are to be successful in the delivery of the Procurement Policy Principles and E&D Strategy objectives.

The EqIA action plan, monitoring and reporting will focus on the issues and impacts raised as impacts and issues in this assessment with regard to the E&I target groups.

The ODA are resolute in changing process in order to meet E&D Strategy objectives.

Internal work by the Buyer Engagement team is currently underway to increase the opportunities available on CompeteFor and to clear a backlog of unawarded contracts.

The ODA is currently working to review off Park and corporate contracts with the view of building E & D policy into its contract management strategy.

Currently CompeteFor has only one line of questioning regarding location – this can be made into an essential question for relevant opportunities.

Minority owned businesses can also be distinguished on CompeteFor by adding a definition of what it means to be a minority owned business, so only genuine minority owned and SME businesses will be identified – the ODA will check the legitimacy of minority owned business data supplied at PQQ stage.

A data collection project is underway, with buyers from organisations readily engaging with our Supply Chain team, in order to develop and share best practice and positive actions.

Negative impacts that cannot be mitigated include the inability to give feedback to all businesses at all stages of procurement due to the lack of resources. The ODA is restricted to buying on behalf of others, we cannot control what is required from the client. This responsibility unfortunately needs to be moved on to the end user/venue sponsors. The ODA are aware of the shortfall of the system but are unable to address these issues further.

8 Action plan

The action plan will be reviewed quarterly by the Procurement Programme Board and annual basis for the E&I review.

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact or Promotion of positive impact	Resources committed / required to mitigate or promote impacts	Responsible Team Date due to be completed / reviewed	Status
<p>Impact: 1 ODA regulatory obligations There is little scope for any form of positive action to be undertaken to ensure that the ODA E&I objectives are met through direct procurement.</p> <p>Issue: The ODA must select contractors on best value grounds in a fair manner, which means that no favour can be shown towards suppliers on grounds of size, location or other characteristics. They must therefore be met by other means.</p>	<p>All but particularly women, black Asian and monitory ethnic people, and disabled people</p>	<p>Positive Impacts: With most contracts available under the OJEU threshold – approximately 90 per cent of contracts will be accessible to SME's and minority owned businesses.</p> <p>The ODA continues to actively comply with the Disability Discrimination Act's code of practice within procurement.</p>	<p>Procurement Code</p>	<p>Procurement</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact or Promotion of positive impact	Resources committed / required to mitigate or promote impacts	Responsible Team Date due to be completed / reviewed	Status
<p>Impact: 1 ODA regulatory obligations There is little scope for any form of positive action to be undertaken to ensure that the ODA E&I objectives are met through direct procurement.</p> <p>Issue: The ODA must select contractors on best value grounds in a fair manner, which means that no favour can be shown towards suppliers on grounds of size, location or other characteristics. They must therefore be met by other means.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Mitigation of adverse impact: The ODA must select contractors on best value terms. Part 5, clause 30, sub-clause 1, paragraphs A&B in the Public Contracts Regulations 2006 states that a contract authority shall award contracts on the basis of the offer being the most economically advantageous or the lowest price.</p> <p>ODA procurement policy states that the ODA will contract with businesses who will comply with our E&D strategy aims and objectives.</p> <p>The ODA will enter minority and locally owned SMEs into the PQQ stage of procurement, in order to provide an improved chance of securing a contract on merit.</p>	<p>Procurement Code</p>	<p>Procurement and E, I, E&S Team</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impact: 2 Delivery of Equality duties The ODA relies on accurate data and information from its supply chain in order to fulfil public sector duties. However the ODA has very limited control over the delivery of data by contractors further along the supply chain.</p> <p>Issues: The ODA cannot exclude a company which does not have equality polices or practices in place.</p> <p>E&I questions make up 8 per cent of the overall score at PPQ stage, therefore E&I does not have a major influence on supplier selection.</p> <p>Suppliers who win contracts which are not on the Olympic Park, which are corporate or off Park contracts are not required to carry out any work to promote equality.</p>	<p>All but particularly women, black Asian and monitory ethnic people, and disabled people</p>	<p>Positive impacts: All suppliers are required to demonstrate how they promote equality and inclusion when completing the E&I questions at PQQ and ITT stage – data currently available includes Tier One to Three suppliers.</p> <p>The ODA provides all suppliers with additional guidance for the E&I section of the PQQ and ITT process.</p> <p>E&I questions have the same weighting as other ODA Governance sections at PQQ stage.</p> <p>All Tier One to Three contractors who work on the Olympic Park are required to promote equality as part of their delivery of goods and services.</p>	<p>Supply Chain</p>	<p>E, I, E&S Team working with Procurement Evaluation Team</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impact: 2 Delivery of Equality duties</p> <p>The ODA relies on accurate data and information from its supply chain in order to fulfil public sector duties. However the ODA has very limited control over the delivery of data by contractors further along the supply chain.</p> <p>Issues: (continued)</p> <p>The lack of accurate data with regard to the number of minority owned business makes it very difficult to set benchmarks for supplier diversity performance by Tier One contractors and sub-contractors.</p> <p>Monitoring the impact that the ODA is achieving in the delivery of supplier diversity with regard to the number and percentage of procurement opportunities which are placed on CompeteFor, the award of contracts; and the success or otherwise of the Tier One contractors and sub-contractors diversity of their supply chain.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Mitigation of adverse impact:</p> <p>The ODA is currently working to review off park and corporate contracts with the view of building E&I policy into its contract management strategy.</p> <p>Approximately 5000 sector suitable minority owned businesses have been identified by the Statistical Office and LABS report.</p> <p>Work is in progress to set attainable aspirations for the numbers of SMEs and minority owned businesses the ODA will aim to utilise within the supply chain.</p>	<p>Supply Chain</p> <p>PQQ and ITT e-tending system</p>	<p>Procurement and E, I, E&S Team</p>	<p>Active</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 3 A robust and accountable monitoring system Impact: CompeteFor is the principal chosen monitoring system. However it does not enable equality owned business to identify themselves as such to potential buyers.</p> <p>Also on CompeteFor, buyers are not able to identify potential business to create a diverse supply chain at shortlisting for PQQ.</p> <p>ODA needs to position a robust monitoring system for supplier diversity throughout the supply chain in pursuit of its E&D Strategy objectives.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: CompeteFor has made a positive impact on businesses, with over 2000 opportunities uploaded so far and a fair award system in place. ODA will continue to use CompeteFor in hopes of awarding contracts to minority owned business, and therefore capturing E&D delivery.</p> <p>Mitigation of adverse impact: E&I and procurement teams are working to identify local SMEs and minority owned businesses with events and briefing sessions targeted at these specific groups. These recognised businesses will be entered into a separate database to be drawn into the PQQ stage and will therefore have greater prospect of winning contracts at this stage.</p>	<p>CompeteFor</p>	<p>Procurement and E, I, E&S Team</p>	<p>Ongoing</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 4 e-brokerage and e-tendering</p> <p>The small number of SMEs and minority owned businesses experiencing success in winning contracts following registration on CompeteFor can lead to a negative experience and reluctance to promote CompeteFor to others.</p> <p>e-brokerage and e-tendering can present access issues for a number of people from E&I target groups.</p> <p>Existing suppliers who are actively promoting and delivering the ODA E&I objectives, but who have a smaller turnover may find that they no longer get selected for PQQ.</p> <p>Issues:</p> <p>CompeteFor and the ODAs e-tendering systems are required to comply with the Disability Discrimination Act and the Race Relations Act which requires the systems to be accessible to all.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts:</p> <p>The See It Right audit performed by the RNIB has approved the use of CompeteFor as a suitable tool to ensure the ODA meets the Disability Discrimination Act and Race Relations Acts' requirements. The ODA also actively complies with the DDA's code of practice within procurement.</p> <p>Mitigation of adverse impact:</p> <p>The ODA is providing and improving accessibility to E&I groups by increasing engagement to target these specific groups, showcasing CompeteFor to increase awareness of its functionality and its benefits.</p>	<p>CompeteFor, Targeted Events</p>	<p>Procurement and E, I, E&S Team</p>	<p>Ongoing</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 4 e-brokerage and e-tendering Issues: (continued)</p> <p>CompeteFor model relies on enabling and encouraging registration and access to contract opportunities by all types and sizes of firm. Raising participation among E&I groups will not necessary translate into an increased number of responses to contract opportunities and ultimately contract awards to these groups. This approach might not suffice to generate a proportionate number of contract seekers and winners for business owned by people equality groups.</p> <p>The minority owned, local SME business success in winning contracts is not being delivered by the CompeteFor system.</p> <p>The opportunity for minority owned, local SME business to win contracts is not being delivered by the CompeteFor system.</p> <p>ODA only advertise contract opportunities outside existing frameworks.</p>	<p>All but particularly women, black Asian and monitory ethnic people, and disabled people</p>	<p>Mitigation of adverse impact: (continued)</p> <p>Minority groups and locally owned SME businesses are currently being identified through targeted events. This identification process will facilitate the progression of these businesses through to PQQ stage – ensuring businesses captured will then have a fair chance of winning awards based on merit.</p>	<p>CompeteFor</p>	<p>Procurement and E, I, E&S Team</p>	<p>Ongoing</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 5 Affect on SME businesses</p> <p>High expectations on the part of the business community not being fulfilled could create risk to the overall reputation of hosting the Games in London.</p> <p>Business could be driven from, and change made to the make up of the five east London Host Boroughs by the possible inflation in property prices and rents as a result of the Games.</p> <p>Issues:</p> <p>SMEs are not in a position to win contracts at the start of the programme because they either lack the capacity to deliver or are engaged in activity which is not relevant to the programme.</p> <p>The majority of opportunities at the early stage large too large for SME's.</p> <p>Opportunities below the OJEU threshold are not necessarily being reviewed to see if they could be broken down into smaller packages to enable SME's to compete.</p> <p>Economic climate which might have a detrimental effect on the area.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts:</p> <p>CompeteFor offers a diverse range of opportunities of all values which are accessible to SMEs. Over 2,000 opportunities have been advertised on CompeteFor to date, with many more to be added throughout the period leading up to the London 2012 Games.</p> <p>Mitigation of adverse impact:</p> <p>Once local SME's and minority owned businesses are identified, they can be moved through to the PQQ stage of procurement. Recognising the scope and capability of what local businesses can offer will facilitate the BET team to break down opportunities further to cater to these groups, although there may still be a gap in what local businesses can offer to the procurement requirements of the ODA.</p>	<p>CompeteFor</p>	<p>Procurement and Buyer Engagement Team</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 6 delivery of a diverse supply chain Failure to delivery the ODA E&D Strategy with regard to contract awards.</p> <p>Issue: CompeteFor is used as the principal means by which the E&D Strategy is delivered.</p>	<p>All but particularly women, black Asian and monitory ethnic people, and disabled people</p>	<p>Positive impacts: The ODA is implementing changes to process to change the use of CompeteFor to provide more opportunities to minority owned and local SME businesses.</p> <p>Mitigation of adverse impact: The ODA are setting benchmarks for aspirational numbers of SMEs and minority owned businesses winning contracts.</p> <p>The ODA is also currently working through CompeteFor to clear the backlog of unawarded opportunities, to give a clearer picture of how many opportunities have already been awarded to minority groups.</p>	<p>CompeteFor</p>	<p>E, I, E&S Team and Buyer Engagement Team</p>	<p>Work in progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 7 Success of the tendering process The potential benefits of local economic regeneration are not necessarily delivered through CompeteFor.</p> <p>Economic impact and community benefit, within the 5 Host Boroughs, will be low if opportunities to utilise able supply are not maximised</p> <p>Issue: Tier 1 and sub-contractors need to work with the ODA to ensure minority owned, local SMEs are able to tender and are aware of the opportunities arising from the Games.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: London Business Network, East London Business Place, and London Development Agency all support the up scaling of local businesses and assist access to commercial opportunities to the business community.</p> <p>Mitigation of adverse impact: Increasing engagement with local organisations through targeted local events will identify the resources available within the local business community and will showcase CompeteFor to these specific groups.</p>	<p>Events</p>	<p>Procurement and E, I, E&S Team</p>	<p>Ongoing</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 8 SMEs are able to tender and are aware of the opportunities</p> <p>Impact: More large, high turnover companies with well proven experience are likely to be awarded contracts. Resulting in less innovation and community benefit.</p> <p>Issue: If contract awards for minority SMEs do not result, then the procurement process will not deliver the ODA E&D Strategy objectives</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: Smaller companies have won contracts over larger, higher turnover businesses. Due to the prohibition of advertising awarded opportunities, this is not a recognised fact.</p> <p>Mitigation of adverse impact: With minority owned and SME businesses having the opportunity to compete in the PQQ stage of procurement and the work being done to overturn the ban on advertising awarded businesses, the numbers of minority owned and SME businesses winning awards will increase.</p>	<p>CompeteFor</p>	<p>Equality & Inclusion and Procurement</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 9 Feedback to unsuccessful suppliers</p> <p>Impact: Unsuccessful SMEs are unable to improve their capacity as they will not know where they have failed and need to improve.</p> <p>Issues: Currently the only suppliers who receive feedback on CompeteFor are those who have been successfully short listed for PQQ. Suppliers who have applied but have not been short listed do not receive feedback to enable improvement; these suppliers are also unidentifiable to potential buyers.</p> <p>Resource within procurement teams to enable feedback.</p> <p>All contract opportunities need to be as clear and transparent as possible, providing level of detail about goods and services required.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: The ODA supports feedback to unsuccessful bidders within the procurement process.</p> <p>Mitigation of adverse impact: The ODA are unable to give feedback to all businesses at all stages of procurement due to the lack of resources. The ODA are aware of the shortfall of the system but are unable to address this issue further.</p>	<p>CompeteFor</p>	<p>Procurement</p>	<p>Closed</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 10 Promotion of success stories</p> <p>Impact: Success stories would generate motivation and enthusiasm and increase supplier participation.</p> <p>Issue: London 2012 branding protocols can make the active identification and promotion of SME success stories difficult.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: Artists, both individuals and consortia, are authorised to be advertised on the successful awarding of contracts.</p> <p>Mitigation of adverse impact: Legal / LOCOG currently prohibit the publication of successful businesses awarded contracts on CompeteFor except artists. A number of approved case studies have been made available which could be suitable for publication. The ODA will actively engage with branding / marketing to overturn this ruling for all businesses.</p>	<p>Legal / LOCOG</p>	<p>Procurement and E, I, E&S Team, Communication teams</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 11 business opportunities for small firms.</p> <p>Impact: The interim 'delay' creates lack of motivation and enthusiasm. This in turn results in higher risk to sustainable community benefit.</p> <p>Issues: There may not be time to mitigate this risk towards the end of the period. Contractors will tend to want to use their own captive supply chain to ensure delivery on time. At least 96% of suppliers in the five Host Boroughs are small (employing less than 50 employees) so most local business will only be able to access opportunities at the lower tiers of the supply chain.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: The number of opportunities advertised on CompeteFor continues to increase. To date there have been over 2,000 posted with a predicted 90% of these being smaller contracts within reach of SMEs.</p> <p>A future opportunities link on the website also enables businesses to anticipate and prepare to bid for these opportunities</p> <p>Mitigation of adverse impact: Internal work by the Buyer Engagement Team is currently underway to increase the opportunities available on CompeteFor and to clear a backlog of unawarded contracts.</p>	<p>CompeteFor</p>	<p>Buyer Engagement Team</p>	<p>Work in Progress</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 12 Tier 1 contractual obligations</p> <p>Impacts: Contractors find themselves in new territory and prefer to spend time fulfilling the actual contract. The ODA may need to apply resource to ensuring contractor compliance in this area.</p> <p>Resource is needed to fully understand the impact that the ODA is achieving in the delivery of supplier diversity. It is important to be able to monitor the number and percentage of procurement opportunities which are placed on CompeteFor, the award of contracts; and the success or otherwise of the Tier 1 contractors and sub-contractors diversity of their supply chain.</p> <p>Tier 1 Contractors contracts require the development of a diverse supply chain. However a number of the Tier 1 and 2 contractors which have won contracts with the ODA already have in place a committed supply chain. These are supplier/sub-contractors that they work with on all their major projects.</p>	<p>All but particularly women, black Asian and monitory ethnic people, and disabled people</p>	<p>Positive impacts: The ODA will continue engaging with local suppliers, identifying the variety and scope of opportunities available to them.</p> <p>Mitigation of adverse impact: A data collection project is underway, with buyers from organisations readily engaging with our Supply Chain team, in order to develop and share best practice and positive actions.</p>	<p>Supply Chain</p>	<p>Equality & Inclusion</p>	<p>Ongoing</p>

Identified impacts / issues	Equality target group affected	Mitigation of adverse impact Promotion of positive impact	Resources	Responsible person Date due to be completed / reviewed	Status
<p>Impacts: 13 Strategy for the promotion of innovative SMEs</p> <p>Impact: ODA misses out on the excellent creativity for which London is renowned. SMEs in vital sectors miss out completely on business opportunities.</p> <p>Issue: Ability to convene and host Industry Days and 'Meet the Buyer' type events to enable suppliers and buyers to engage and discuss innovative ideas.</p>	<p>All but particularly women, black Asian and minority ethnic people, and disabled people</p>	<p>Positive impacts: Through a variety of target specific events, including Meet the Buyer and industry days, the ODA is able to reach a wide range of businesses to promote the use of CompeteFor.</p> <p>Mitigation of adverse impact: The ODA is restricted to buying on behalf of others; we cannot control what is required from the client. This responsibility unfortunately needs to be moved on to the end user i.e. venue sponsors. The ODA are aware of the restrictions to our role and cannot address this further.</p>	<p>Industry Days</p>	<p>Procurement</p>	<p>Closed</p>

9 References

ARUP: London's Business Opportunity Prospectus Maximising the benefit of the London 2012 Games (January 2007)

http://www.londonfirst.co.uk/documents/034_Prospectus_executive_summary.pdf

ODA: Procurement Policy (March 2007)

<http://www.london2012.com/documents/business/oda-procurement-policy.pdf>

ODA: Equality and Diversity Strategy (July 2007)

<http://www.london2012.com/documents/oda-equality-and-diversity/equality-and-diversity-strategy.pdf>

ODA: Supplier Guide (June 2008)

<http://www.london2012.com/documents/oda-publications/oda-supplierguide-eng-web.pdf>

EHRC: Procurement and supplier diversity in the 2012 Olympics (November 2008)

<http://www.equalityhumanrights.com/en/publicationsandresources/Pages/Procurement2012Olympics.aspx>

Equality and Diversity Forum: Public procurement and equality: steps towards a standard tendering framework (November 2008)

<http://www.edf.org.uk/news/PublicProcurementReport.pdf>

10 Appendix 1 ODA E&I Target Groups

The EqIA will provide detailed information about the likely impact upon equality target groups, which refer to groups of people that traditionally experience discrimination or disadvantage, these groups, are:

- **age:** Children, young people and older people (50+);
- **disabled people:** as defined by the DDA, including sensory or mobility impairment; people with mental health needs, people with long term illnesses/conditions;
- **gender:** women, men and transgender people (who are often seen as a separate group). The focus is generally on women and transgender because of traditional discrimination; however, it is just as important to consider needs and issues which are faced by men;
- **race/ethnicity:** black, Asian and minority ethnic people (BAME), and includes Travellers and Gypsies, asylum seekers, and refugees
- **sexual orientation/identity:** lesbians, gay men and bisexuals
- **religion and belief:** people of different religions and faiths including people who are atheists or agnostic

Other people who traditionally experience exclusion or barriers to participation and can be excluded are:

- homeless people;
- unemployed people;
- people employed on a part-time, temporary or casual basis;
- lone parents;
- people with caring responsibilities;
- people with drug and alcohol problems;
- ex-offenders; and
- people with unrelated convictions.