

# Equality and Diversity Policy

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## Version Control

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To note: links are for internal reference only.

# 1. Introduction

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1.1 As Scotland’s environmental oversight body, Environmental Standards Scotland’s (ESS) vision is that people and nature benefit from a high-quality environment and are protected from harm through the consistent application of effective environmental laws, which are recognised internationally as setting high standards.

1.2 ESS took up its full powers in October 2021 and was added as a listed authority under the Equality Act 2010 (‘the Act’) via The Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012 (‘the regulations’) as amended, in May 2022.

1.3 The Act and the regulations place a range of statutory duties on ESS and other bodies, with the aim of ‘ensuring that those carrying out a public function consider how they can positively contribute to a more equal society through advancing equality and good relations in their day-to-day business’<sup>1</sup>.

## 2. The aim of this policy

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2.1 This policy sets out ESS’ approach to supporting equality and diversity considerations through the people we employ and the services we deliver, and in doing so how we will meet the requirements and duties set out in the following legislation.

### 2.1 Duties: Public Sector Equality Duty

2.2 The Act places a duty on public bodies, which requires them when carrying out their functions to have due regard to the need to:

1. Eliminate discrimination, harassment and victimisation
2. Advance equality of opportunity between people who share protected characteristics and those who don’t:
  - remove or minimise disadvantages suffered by people due to their protected characteristics

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<sup>1</sup> [Equality and Human Rights Commission](#)

- take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- encourage people with certain protected characteristics to participate in public life, or in other activities where their participation is disproportionately low

3. Foster good relations between people who share protected characteristics and those who don't

2.3 This is known as the Public Sector Equality Duty, often also called 'the general duty', which is how it is referred to throughout the policy.

2.4 The Act seeks to protect all individuals against unfair treatment related to their protected characteristics. There are nine different protected characteristics recognised under the Act:

- age
- disability
- gender re-assignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

## 2.1 Specific equality duties

2.5 The regulations also require a range of specific duties on public bodies to demonstrate how they are meeting, and making progress towards the general duty, including in summary to:

- report on mainstreaming the equality duty by 30 April 2023 and publish a progress report every two years
- publish equality outcomes by 30 April 2023 and update these every four years. Report on progress towards achieving these every two years
- assess and review the impact of applying a proposed new or revised policy or practice in relation to our equalities duties

- gather annually, and use employee information on composition, recruitment, development and retention of employees to better perform the equality duty
- publish gender pay gap information when we have at least 20 employees over a certain period
- publish statements on equal pay when we have at least 20 employees over a certain period
- consider award criteria and conditions in relation to public procurement
- publish a mainstreaming report, equality outcomes and report on progress to achieve those, gender pay gap information (as required) and statement on equal pay (as required) in an accessible manner
- publish information on the number of men and women on the ESS Board
- publish how we have, and how we intend to, take steps to achieve diversity on our Board

2.6 Under the Equality Act 2010, as amended, there is also a Fairer Scotland Duty which requires that listed public bodies actively consider what more can be done to help reduce the inequalities of outcome caused by socioeconomic disadvantage when making strategic decisions.

2.7 Whilst ESS is yet to be made subject to this duty, ESS has obtained Living Wage accreditation and is committed to the Scottish Government's Fair Work First policy. Further socioeconomic considerations will form part of an integrated assessment when we review our Strategic Plan.

### **3. Our approach to equality and diversity**

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3.1 As a developing organisation, ESS recognises the opportunity and benefits that promoting equality, and having a diverse workforce, brings to the people we employ and the services we deliver for Scotland.

3.2 Our Strategic Plan sets out our values, and the ambition that all our staff feel respected and included, which is a fundamental part of being an effective and efficient organisation.

3.3 Together with the values from our Strategic Plan, the following principles will guide how we work to bring equality and diversity into all that we do in ESS.

### 3.4 ESS' diversity and equality principles:

- **respect** – holding high regard for and treating all employees with dignity and appreciation. Listening, acknowledging and valuing people's contributions. Being polite and professional
- **inclusivity** – being open to all, listening to the voices of everyone and respecting uniqueness, valuing equity and creating a sense of belonging. Continually striving to build a more diverse workforce
- **fairness** – encouraging mutual respect and consistency in applying standards. Providing a workplace that is suitable for all. Encouraging two-way communication and involvement in decision-making, with appeal processes in place. Ensuring open and fair competition in recruitment, transparency and managing conflicts of interest
- **support** - ensuring staff feel safe and supported – making space for, and holding conversations about circumstances, disabilities and/or health conditions that may impact working experience. Supporting the use of the voluntary employee passport and providing suitable workplace adjustments as required

3.5 These principles are underpinned by our [Standards of Behaviour Policy](#) which makes it clear that ESS is committed to supporting a culture where bullying, harassment, victimisation or discrimination in any form, against any member of staff, has no place.

3.6 Everyone at ESS should feel confident to be themselves in the work environment and take responsibility to respect differences in thought, background or experience. All staff should be treated with respect, regardless of whether personalities, characters and management styles may differ.

## 3.1 Roles and responsibilities - what does the duty mean for me?

### Employees

3.7 Every person working in ESS has a responsibility to be aware of and help implement the general duty. This should be part of our daily business delivery and throughout our working relationships, for example by:

- promoting the diversity and equality principles in our day-to-day work and supporting an inclusive work culture

- supporting ESS to better understand the make-up of the organisation by participating in the voluntary pulse surveys to help inform and shape continuous improvement of our policies, services and working practices
- setting a meaningful diversity and inclusion objective to take action throughout the year to embed equalities and build an inclusive workplace culture
- completing induction and ongoing training in diversity and equality of opportunity, available as part of the rolling programme of learning across ESS and more widely the Civil Service, to support understanding and an inclusive work culture
- exploring optional tools such as the employee passport which recognises any of us may experience a condition or circumstance that impacts us at work at some point in our career and helps explore the range of informal and formal workplace adjustments available
- utilising guidance such as, the public sector equality guidance, and seeking input from our nominated ESS staff or board Equality Champions where needed
- ensuring we communicate and engage with people in an accessible way, for example when drafting documents and reports and in the content we add to our website
- ensuring we consider equalities duties when developing new and revised policies and practices or amending existing ones. Where we identify potential for impacts, undertake Equality Impact Assessment as needed

3.8 As civil servants we should all be aware of the Civil Service Code. This sets out the standards expected of civil servants, and the requirement that we carry out our responsibilities in a way that is fair, just and equitable, reflecting the Civil Service commitment to equality and diversity.

#### Line managers

3.9 All managers should ensure that equality and diversity principles are a fundamental part of their staff management and decision-making, acting as a role model in implementing the policy.

3.10 This should include creating space to have discussions with those they are managing, as part of monthly conversation wellbeing discussions, supporting staff in

delivering their objectives, and with individuals as needed, for example through tools such as the employee passport.

3.11 Line managers should ensure that their staff are familiar with this policy and the wider policies which make up the ESS equalities policy.

3.12 Recruiting staff must undertake the Inclusive Recruitment package on Pathways, and follow our recruitment policy to support fairness, equity and objectivity in the drafting, sifting and interviewing of applicants. Recruiting staff must also be aware of the duties and commitments around reasonable adjustments and support for those with a disability.

#### Chief Executive

3.13 The chief executive provides operational leadership, and will ensure that ESS meets all statutory obligations, including equality, as set out in our scheme of delegation, within ESS' Standing Orders.

3.14 This also includes all relevant legislation that applies to ESS staff and to third parties acting on behalf of ESS, and compliance with the duties set out in the Government Financial Reporting Manual (FReM) each year as part of the organisation's Annual Report to Scottish Parliament.

#### The ESS Chair, Board and Committee members

3.15 The Chair and all our members, including co-opted members, are bound by our members' [Code of Conduct](#). This sets out that members will not discriminate unlawfully on the basis of protected characteristics, and that they will advance equality of opportunity and seek to foster good relations between different people.

3.16 The Chair and members will complete an induction and ongoing training in diversity and equality of opportunity, available as part of the rolling programme of learning across ESS and more widely the Civil Service, to support understanding and an inclusive work culture.

3.17 As those who set the strategic direction for ESS, the Chair and members have a role in delivering this policy and will display leadership in advancing equality and diversity at the strategic level. To support this a member of the Board will also be designated Equality Champion to ensure Board-level decision-making takes account



of equality principles. The Board Equality Champion will also provide a regular update at Board meetings.

## 4. Commitments

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4.1 ESS is committed to embedding and advancing equality and diversity considerations for all our people, in our policies, in delivering our services and how we communicate those. As an employer, we will develop and apply procedures which do not discriminate because of any of the protected characteristics, and which provide equality of opportunity for applicants and employees.

4.2 Our procedures, and actions will be informed by The Equality and Human Rights Commission Essential Technical Guidance. This guidance helps public authorities to understand the Act, exercise their rights, and meet their responsibilities, and should be referred to in support of this policy. It includes principles established through case law which will help determine what action needs to be taken to ensure ESS is complying with the general duty on a continuing basis. In summary these are:

- knowledge of the duty
- timeliness
- real consideration
- sufficient information
- non-delegable
- review, and
- evidencing consideration

### 4.1 Our people

4.3 We will ensure that all our staff and Board members are supported, aware of and contribute to delivering our equality duties, responsibilities and organisational practices through:

#### How and whom we employ/recruit/appoint

- ensuring fair, transparent and equitable recruitment and appointment policies are followed to support a diverse workforce, including
- considering how we advertise, requirements for working patterns, jobs descriptions and location and

- taking positive action where we identify a need
- actively promoting employment opportunities as widely as possible, engaging with professional bodies, equalities and interest groups to raise the profile of ESS

#### How we support and develop our people

- supporting a mixed learning journey for staff, including continuous training and mandatory e-learning on equality diversity and inclusion
- requiring all staff to have an equality and diversity objective in their Performance Appraisal Forms
- support from occupational health and our HR advice service for staff members with specific needs, including training and advice on appropriate workplace adjustments for line managers, where applicable
- ensure that wellbeing is discussed as part of monthly conversations
- monitoring responses from pulse surveys and ensuring that management action is taken in response to them
- ensuring a suitable working environment for all
- ensure staff members are advised of our union recognition agreement which is available on Pathways
- support training as needed in Equality Impact Assessments and embed equality impact assessment into our policy development and review processes as relevant

#### Our policies and services

4.4 ESS is made up of a Board, a Chief Executive and has three teams:

Investigations, Standards and Compliance; Strategy and Analysis; and Corporate Services and Communications. In delivering our services across these three teams, we will ensure that equalities duties are integrated throughout our policies, decision making and services, by:

- ensure we consider equalities duties when developing new and revised policies and practices or amending existing ones. Where we identify potential for impacts, to undertake Equality Impact Assessment as needed

- ensuring that our communication methodology, be it written or verbal, meets the principles set out within our [Communication and Engagement Strategy](#)
- ensuring the general duty is considered in our decision-making processes as set out in our operational guidance, and across a range of services
- embedding consideration of the general duty through our governance structures, and in reports and board papers and evidencing that consideration
- developing our communication with stakeholders in the public, private and voluntary sectors to broaden our reach, in particular to marginalised or disadvantaged communities and groups, to ensure they are aware of our role and how to raise concerns
- ensuring location, venues, timing and accessibility of events are considered to support attendance and engagement from all stakeholders

## 5. Related policies

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5.1 The equalities policy is also made up of the following;

- **fairness at work policy** – ensuring staff are able to raise concerns or grievances about their work, working conditions, or relationships with colleagues
- **recruitment policy** – establish the principle of fair and open competition of recruitment of staff and to ensure consistency, transparency and commitment to equality and diversity in all aspects of the recruitment and selection process
- **standards of behaviour policy** – what is and is not acceptable behaviour at work - commitment of adhering to the principles set out in the Civil Service Code to act with integrity, honesty, impartiality and objectivity
- **probation policy** – procedure and expectations of new staff on their nine-month probation – a time for managers to build a positive, trusting relationship with their new staff member to understand their needs and support them to meet their objectives and achieve effective performance

- **flexible working pattern policy** – this policy covers a range of options designed to allow staff to work in a way that suits them and the organisation. Any member of staff can apply to work a flexible working pattern
- **flexible working hours policy** – similar to the flexible working pattern policy, this policy allows staff to work their required hours within the bandwidths of 07:00 to 19:00 with no core time, allowing greater flexibility in the management of their work life balance
- **hybrid and homeworking policy** – ensuring staff have flexibility on where, when and how work is delivered, giving colleagues a degree of personal choice
- **standards of propriety** – ensuring the position as a public servant is not used to further personal interests or the interests of others – transparently declaring staff interests and potential conflict of interests

5.2 All related policies, information, advice and training opportunities are regularly updated on ESS' intranet Pathways, and also available on the Scottish Government Saltire intranet. The ESS staff handbook also covers key policies staff should be aware of.

## 6. Recognising implementation challenges

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6.1 Although we are an ambitious organisation, committed to ensuring that ESS works collaboratively, openly and transparently in carrying out its functions, it is important that we also recognise that there will be challenges in realising all outcomes.

6.2 Examples of some of these challenges are set out below:

- as a small organisation, recruiting to a limited number of posts each year, it is recognised, and registered on the ESS risk register, that the organisation will need to work hard to broaden our recruitment pool
- the scale of the organisation also inhibits our ability to collect data for a number of the protected characteristics, because of the risk that individuals could be identified should the information be published. This

also has implications for the ability of ESS to set meaningful outcomes which can be reported against

- as with many of the shared accommodation facilities available to public bodies, there can be physical and access limitations that need to be overcome through investment and collaborative working

## 7. Monitoring and review

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7.1 ESS wants to ensure our practices, systems and policies are not directly or indirectly treating people unfairly. Under the general duty, we have a legal obligation to gather information on our employees, particularly in relation to recruitment, development and retention across all of the protected characteristics. ESS will do this via an annual monitoring survey to staff and as new people join the organisation.

7.2 ESS is required to use the information gathered to better perform the general duty and publish a report to show a breakdown of information and details of the progress we have made in gathering and using this information. This report, known as the Mainstreaming Equality report will be published every two years and include an outcome action plan, with targeted actions to help ESS achieve our equality and diversity outcomes, ambitions and duties.

7.3 Where we have a requirement to publish information, ESS will ensure that it is not possible to identify individuals and no breakdown will be provided where fewer than five staff are in any particular category.

### 7.1 Review

7.4 The review of this policy will be coordinated with the statutory reporting duties on mainstreaming and our equality outcomes, to ensure the policy is reflective of what ESS needs, to better understand and meet our diversity and equality needs.

## 8. Communications and complaints

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8.1 ESS' Communication and Engagement Strategy sets out the importance of effective internal communication. In addition, there are a range of mechanisms to provide feedback in ESS, through pulse surveys, monthly conversations, our complaints procedures and Whistleblowing policies.

8.2 Templates and relevant documents can all be found on ESS' Pathways portal. Our Standards of Behaviour policy, sets out ESS' expectations about acceptable and unacceptable behaviour and provides detail on reporting and further support.

## CONTACT

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