

Consumer Duty Impact Assessment

ESS Strategy 2026 – 2031

April 2026

1. Introduction

1.1 The Consumer Duty is a new statutory duty that came into force in April 2025 through provisions set out in the Consumer (Scotland) Act 2020. This aims to ensure that consumer interests are considered in all strategic decision-making across the public sector. Through this, public bodies must have regard to the impact of decisions on consumers and aim to reduce any harm on consumers in Scotland.

1.2 Having regard to the Consumer Duty guidance, we decided to undertake a Consumer Duty Impact Assessment (CDIA) ahead of it coming into force in April 2025, as we knew our final Strategy would be published after this timeframe.

1.3 We examined the published guidance for CDIA and engaged with Consumer Scotland colleagues to facilitate understanding and execution of this assessment.

1.4 ESS' Strategy is a strategic decision, taken at Board-level and steering organisational direction for the next five years. As the Strategy is a strategic decision and will have an impact on consumers, the Consumer Duty will apply.

1.5 For the purpose of ESS' Strategy, consumers are those who raise concerns with us via enquiries and representations. This may be individuals, community groups, whistleblowers, etc.

2. Evidence gathering

2.1 Our assessment found that ESS' Strategy will have positive outcomes for consumers, with particular regard to the seven Consumer Principles by:

- ensuring our service is accessible to consumers and that consumers are supported throughout their experience with ESS, which is one of ESS' equality outcomes (Access)
- maintaining a flexible approach to ESS' broad remit, covering all environmental law, to ensure ESS balances adding value with providing service to its consumers (Choice)
- ensuring consumers are protected from harms, for example providing anonymity, and protections for whistleblowers (Safety)
- committing to being an open and transparent public body and ensuring a broad range of information is accessible on our website and is kept up to date (Information)
- taking account of the public sector equality duty in our day-to-day operations and embedding equality considerations in all we do (Fairness)
- being open to consumers to allow their participation in improving environmental outcomes, and gathering regular feedback from our consumers to improve our service (Representation)
- being open about routes to complain about ESS' services, ensuring service standards in this area are met, and reporting publicly on the amount of complaints we receive (Redress)

2.2 Many of these positive outcomes are delivered through our the policies and procedures which underpin delivery of our Strategy. Some of these are listed below:

- our Strategy commits us to continuously improving how we communicate and we have recently published a new Communications and Engagement Plan, alongside completing website improvements to ensure consumers have a positive engagement experience with our work

- our Strategy commits us to actively reaching out to different groups of consumers we have a Community Engagement Programme where information can be heard and shared across different environmental topics
- recent website improvements and a new Communications and Engagement Plan ensure that consumers have positive engagement with our work
- our Strategy commits us to continuing to receive representations on any environmental topic, and working with consumers to develop and shape their representations to us, or through directing them to the appropriate body if it is not for ESS, and ensuring this is a confidential process

2.3 To aid consumers in vulnerable circumstances, we aimed to make our Strategy as accessible as possible by creating an easy read version. We have also made, and are committed to continuing to make, improvements and updates to our website and communications. We are also happy to provide support to anyone that wants to submit a representation to us.

2.4 ESS has already been able to draw upon previous engagement with consumers (for example through our regular representer feedback surveys) to identify and address any barriers to ESS providing a good service.

2.5 To gather evidence on the Strategy ESS held two consultations and publicised these across multiple online platforms and through local media outlets. We hosted in person and online information sessions alongside the written consultations to improve accessibility. A high-level statement on the consumer duty was included in the accompanying statement to the draft Strategy that we consulted on. We considered all responses that were submitted to the consultations, made changes to the draft to reflect feedback and a formal summary of responses was completed for the [first](#) and [second](#) consultations.

3. Assessment and improvement of Strategy

3.1 Using evidence gathered we assessed the impact of ESS' Strategy on consumers and considered all suggestions for improvement. As a result of the

feedback consumers provided, several changes were made, some of which are listed below.

3.2 In our Strategy (and the accompanying statement to Parliament) we have committed to continuing engagement with communities, improved signposting of representations that are not for us to other organisations and continuing to seek feedback from those who have submitted representations to us about their experience.

3.3 Views expressed during our consultation process helped to shape the final Strategy document, for example text was amended to highlight that ESS will strive to engage with communities and groups who suffer disproportionately from environmental disadvantage. We have also clarified that the spatial distribution of issues and their impact on communities will be considered by ESS when prioritising how we will respond to environmental concerns. As a result of feedback we have also clarified that we will continue to follow up on issues that ESS has scrutinised to date (including access to environmental justice, air quality and soils) and that we will continue to accept and consider representations on all topics within our remit.

3.4 In response to requests for clarification of our approach to keeping people informed about the progress of, and the timescale for resolving, concerns we have amended the Strategy to make clearer that we aim to deal with representations as efficiently as possible and that we will update people in line with our Service Standards.

3.5 A more comprehensive analysis of changes can be found in the [accompanying statement for the proposed Strategy 2026-2031](#).

3.6 Feedback on the Strategy through online and in person consultation engagement has increased the transparency of ESS' work for consumers and enabled their views to influence the Strategy. Further, ESS' Strategy will have indirect beneficial outcomes (end-user) by securing public authorities' compliance with environmental law and improving environmental outcomes for consumers in Scotland.

3.7 ESS has committed to further engagement with Stakeholders in our Strategy through our Stakeholder Engagement Programme and through receiving and helping to further develop representations that are submitted to us.

4. Summary

4.1 We are pleased that our Strategy was so well received by a variety of stakeholders. The input provided from stakeholders during our consultation process helped to shape the final Strategy that was approved by Parliament, and we look forward to implementing it over the next five years.