

# Equality Impact Assessment

**ESS Strategy 2026 - 2031**

**April 2026**

## **1. Executive Summary**

Environmental Standards Scotland (ESS) has undertaken an Equality Impact Assessment to assess the equality impact of the ESS Strategy 2026-2031. This report provides the background to the Strategy, a summary of its potential impacts and outlines amendments to mitigate the negative impacts that have been identified.

It is ESS' duty under the [public sector equality duty](#) to consider how the organisation promotes equality through its policies. Alongside this legal duty, ESS also seeks to actively advance equality more generally across our work. This EQIA evaluates the positive and negative impacts of the policy on individuals with protected characteristics (equality groups) as defined in the [Equality Act 2010](#).

ESS has also voluntarily chosen to consider the [Fairer Scotland Duty](#) in its work. ESS does this by integrating considerations of socio-economic disadvantage into its EQIA process.

The EQIA process is instrumental in ensuring that policies do not result in discrimination or victimisation of individuals with protected characteristics. Additionally, EQIAs can

assist in advancing equality of opportunity and help foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having completed the EQIA process, ESS is satisfied that no unlawful discrimination will arise from the implementation of this policy.

## **2. Summary of the Strategy**

This is a revised version of ESS' Strategic Plan, originally published in 2022. It reflects a commitment made in the initial Strategic Plan to review and update ESS' approach to delivering its functions based on experience gained during its first three years of operation.

## **3. What is the aim of the Strategy?**

The Strategy sets out how ESS will deliver its statutory functions to monitor and secure compliance with environmental law and improve its effectiveness. It prioritises proactive, analytical work on four priority areas: climate change, nature, resources, and water.

## **4. Who is delivering the Strategy**

The Strategy is being developed and led internally by the Strategy and Analysis Team, in close collaboration with the Investigations, Standards and Compliance (ISC) team and the Corporate Services and Communications (CSC) team.

The Strategy will be delivered by the organisation as a whole. No external bodies are responsible for delivering the policy, though the policy may indirectly affect other public authorities subject to ESS scrutiny.

## **5. Who may be impacted by the Strategy?**

While the Strategy is not expected to have direct impacts on individuals or communities, it may have indirect implications for the general public, particularly for those disproportionately affected by environmental harms.

## **6. Evidence**

### **6.1 Summary of evidence gathered**

ESS held a framing discussion internally to discuss potential equality impacts associated with the revised Strategy. This helped highlight areas where impacts were likely and where evidence gaps existed. A desk-based review of available evidence was also undertaken, drawing on a range of sources including the Scottish Government's Equality Evidence Finder, relevant academic literature, and published EqIAs and guidance. This review indicated that certain groups, such as people with disabilities and from ethnic minority backgrounds, are disproportionately affected by specific environmental issues, including air and water quality. However, evidence gaps remain regarding how environmental issues interact with certain protected characteristics, particularly in relation to LGBT+ people.

Where potential impacts were identified during the framing stage, these were examined in more detail through this additional research, allowing ESS to better understand both the nature of the impacts and possible mitigation measures.

In addition, ESS conducted a public consultation on the draft Strategy. The draft document included a summary of the initial findings from the EqIA screening, providing stakeholders with an opportunity to comment on potential equality impacts. The consultation was specifically shared with a range of representative organisations for the protected characteristics, to ensure those with lived experience or expertise had the opportunity to provide feedback. Summary of engagement

A framing discussion was undertaken by seven ESS staff members from all three Departments.

## **7. Impacts**

### 7.1 Summary of impacts identified

While the Strategy is not expected to create direct equality impacts, it may indirectly influence outcomes for protected groups in several ways:

1. Positive impacts: Prioritising proactive work on climate change, resources, and nature may support outcomes for vulnerable groups disproportionately affected by these issues (e.g. children, disabled people, low-income communities)
2. Negative impacts: Perceived reduced visibility of issues like air quality and population and human health may result in disengagement among groups whose environmental concerns are not clearly reflected.

Impacts were specifically considered against the Public Sector Equality Duty:

1. Eliminating discrimination: Some environmental harms may reinforce inequality. ESS' work has the potential to reduce these risks
2. Advancing equality of opportunity: Prioritisation may unintentionally signal that there are reduced opportunities for groups whose issues fall outside stated priorities
3. Fostering good relations: Risk of disengagement if ESS' work is perceived as excluding specific environmental topics relevant to individuals/groups with protected characteristics

It was noted in the framing discussion that in-person meetings and engagement sessions are more likely to exclude women with caring responsibilities, pregnant people and disabled individuals. Groups with caring responsibilities typically experience 'time

poverty' and may also be excluded when meetings or events clash with school runs or caregiving duties.

Further data gathering highlighted trust in public institutions being a barrier to engagement for ethnic minorities, transgender people, LGB individuals and those experiencing socio-economic disadvantage.

Additional evidence collection found that the use of diverse and inclusive imagery in communications, and visible signals of support such as pronouns in email signatures, contribute to building trust with communities who may have historically lower confidence in public institutions. Inclusive imagery normalises representation of certain groups and can foster better relationships.

From the initial framing exercise, and the consequent data gathering, no impacts were identified for marriage or civil partnership.

## 7.2 Summary of actions taken

1. Clear public communication: ESS will clearly state in the Strategy that we remain open to representations on all environmental topics (including those not covered by the four analytical priorities), that follow-up work on topics already considered (for example, air quality and sewage discharge) is planned and that ESS will retain flexibility to identify and consider emerging issues of concern.
2. Targeted engagement: ESS will continue its community engagement programme, with an emphasis on groups most at risk of exclusion or disproportionate environmental harm.
3. Monitoring participation: ESS will monitor representations and diversity data, including voluntary equality monitoring forms, to detect engagement gaps.
4. Strategy accessibility: An easy read version of the Strategy has been prepared and printed versions of the Strategy will be available on request to support those with limited digital access.

5. Consideration at project level: ESS will continue to consider potential equalities implications and evaluate the need to conduct an EqIA on specific projects and pieces of work as necessary.

### 7.3 Legal implications

Having completed the EQIA process, ESS is satisfied that no unlawful discrimination will arise from review of this policy.

### 7.4 Review

The Strategy will be reviewed in five years' time and a further EQIA will be undertaken at that stage if required. In terms of implementation and delivery of the Strategy, potential equality impacts will be considered at project level and the need to conduct any associated EqIAs will be considered on an ongoing basis.

This EQIA has been reviewed by the Head of Department and approved by the Chief Executive.

Reviewed by: Neil Langhorn

Date: 31/03/2026

Approved by: Mark Roberts

Date: 08/04/2026