

# Consultation: Proposed Wellbeing and Sustainable Development (Scotland) Bill

Includem welcomes the opportunity to respond to this consultation on the proposed Wellbeing and Sustainable Development Bill.

## **Q1 Which of the following best expresses your view of the proposed Bill**

- Supportive

*Please explain the reasons for your response.*

Includem recognise that embedding wellbeing and sustainable development as the primary drivers of policy and practice across Scotland could embed the long-term change needed by the children, young people and families we support now and in the future.

This could support the National Outcomes in the National Performance Framework which seek to localise Sustainable Development Goals (SDGs) and increase wellbeing. Through bringing clarity in legislation around wellbeing and SDGs, it could encourage more joined up decision making and public services. By centring the importance of long-term impacts, it could bring greater focus on prevention and addressing root causes to wellbeing challenges. This would strengthen the cost effectiveness and implementation of policies, by stopping problems from developing in the first place, and ensuring there are flexible pathways to support for those who need it most before they reach crisis point. Further, an independent commissioner and knowledge exchange network could help bring resilience and support for future systematic transformation projects like the Promise or Just Transition – providing scrutiny, gathering learning, and building on long term progress.

The bill could help put individual, collective and future generation's wellbeing at the heart of systems change. Hence, to ensure an equitable approach, those facing challenges related to wellbeing and SDGs must be a part of defining and reviewing wellbeing in Scotland. Many voices in Scotland remain unheard in the decisions that affect them. For example, this could include those who:

- Face poverty (SDGs 1);
- Are formally, informally or partially excluded from education (SDG 4);
- Lack access to public transport infrastructure (SDG 8); and
- Live in communities facing decades of cuts, closures or lack of public, community and/or basic services (SDG 11).

Includem recommends clarifying how the bill has/will take into account their voices and support the participation of lived experience to influence change. The bill should also recognise the crucial voices of children and young people to understand the wellbeing concerns of current and future generations – particularly considering Scottish Governments obligations to children's rights under the UNCRC and the stark prevalence of child poverty in Scotland. For participation to be meaningful, practical issues around adequate resourcing, trauma and poverty informed approaches, and ensuring impact must be considered.

**Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.**

This legislation could result in fundamental change across public sector decision-making and planning, provide an opportunity to join up existing commitments on sustainable development and wellbeing across Government, and support the implementation of national outcomes with policy coherence.

To strengthen the impact on implementation, it is crucial that wellbeing and sustainable development has a direct impact on budgeting, the prioritisation of public funding and service design to drive forward a proactive approach to system-wide change. The change envisaged in the Wellbeing and Sustainable Development (WSD) Bill must be resourced appropriately – in recognition of the considerable constraints in funding and capacity experienced across the public sector. Includem would welcome clarity on how the Bill will influence government and public body approaches to budgeting more widely to ensure wellbeing and sustainable development doesn't just 'follow the money' but is the primary driver for its route.

**Q3. Which of the following best expresses your view on whether 'sustainable development' should be defined in legislation?**

- Supportive

We believe clear and rigorous definitions of the key concepts of sustainable development, policy coherence for sustainable development, wellbeing and the wellbeing economy, should be set out in this Bill. There are already a large number of references to sustainable development in existing legislation – which may contribute to confusion and open interpretation. Frequently it is used to reference only environmental aspects of development. The WSD Bill provides an opportunity to illustrate the wider scope of sustainable development beyond climate change – requiring action on areas such as poverty and inequalities. As Scotland's International Development Alliance have argued, a clear definition could provide clarity and support accountability. Includem echoes their further call for policy coherence to be defined to support partnership working across public bodies.

For includem, any definition and supporting principles must include:

- A clear link to ending poverty and addressing root causes.
- A focus on the wellbeing of people and planet instead of economic growth as a core societal objective.
- The principle of participation, recognising that everyone in society has a role to play to achieve sustainable development and the need to capture insight from seldom heard voices.
- Equity for the present and future, with present generations being able to meet their needs without compromising the ability of future generations to meet theirs.
- The need for a joined up, evidence-based approach across public policy for sustainable development.

- The need for openness and transparency, as the availability of information on efforts to achieve sustainable development is vital to engagement and accountability.

**Q4. Which of the following best expresses your view on whether 'wellbeing' should be defined in legislation?**

- Supportive

We support a legal definition of wellbeing to support accountability in providing greater clarity and specificity around public sector duties.

Includem backs the suggestion by the International Development Alliance to build on work done by the OECD, with a legal definition of wellbeing that supports public policy decision making should include the principles of equity and long-termism. This includes:

- Collective wellbeing as the extent to which people are able to realise the social, economic, environmental and democratic outcomes that they seek.
- National wellbeing is the level of collective wellbeing, and is concerned with the inequalities in collective wellbeing between different groups, both domestically and globally, and the conditions for the collective wellbeing of future generations.

More clarity is needed in the bill on how it will impact or link to definitions in legislation that are focused on individual wellbeing. For example, Getting It Right For Every Child (GIRFEC) breaks down child wellbeing under the [SHANARRI indicators](#) (Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included) which are used across the children's services and policy development. Developing practice in the Children's sector such as [Talking Hope](#) could be further used to define, understand, or communicate about wellbeing at the individual and community level. In our work to embed Hope as part of wellbeing / SHANARRI conversations with children & young people as well as in assessment meetings with social workers, it has supported opening strength-based conversations across wellbeing topics and provided a useful lens to positive potential.

Wellbeing does not stop with a definition. The Stiglitz, Sen, Fitoussi Commission highlights the importance of locating 'wellbeing' in time and place. Hearing from people on what matters to them should inform Scotland's wellbeing goals in the form of the national outcomes from the National Performance Framework. Includem would welcome a definition of wellbeing that requires participation to identify the outcomes that matter to the people of Scotland now and regularly into the future.

Existing research and consultation are often conducted far from those facing the most adverse circumstances in our current economic and social structures due a lack of equity in digital or transport access, as well as the burdens poverty creates on mental health and time constraints. For families we support, their experiences around social, economic, environmental and democratic wellbeing might be vastly different to what others may experience as the norm.

Social

*"They need to look at not just giving the basic food and fuel. They need to understand the impact it's having on relationships with their children when you have to keep saying you*

*can't have that or you can't do an activity.*" (Parent supported by includem, [It Is Not A Choice!](#) Report 2022)

#### Economic

*"I'm tired of struggling and worrying about heating and having enough food. I am sad that I can't give my child some of the things she asks for."* (Parent supported by includem, [It Is Not A Choice!](#) Report 2022)

#### Environmental

*"I'd make sure there was something for all kids to do – there is nothing here – no clubs for them. And I'd put in more cameras and get some of the greenery cut back because it's creepy at night. We need more cameras to stop muggings in this kind of area. There are a lot of lanes and side streets – open that up. When the dark nights come in you want to be safe."* (Parent supported by includem, [Voices](#) report, 2021)

#### Democratic

*"...The people making decisions don't understand and the feeling of being judged. Not understanding people's reasoning behind being in the position they are in."* (Parent supported by includem, [It Is Not A Choice!](#) Report 2022)

Understanding wellbeing through participation must include a diverse range of voices - particularly those with a high level of distrust with public authorities, and/or facing destitution, low incomes, wider social or economic exclusion, and children & young people.

*"Listen to people who live like this."*

*"Listen to what we say, no empty promises."*

(Parents supported by include, [It Is Not A Choice!](#) Report 2022)

We echo the International Development Alliance's call for new and strengthened duties on Scottish Ministers for:

- Engaging voices across Scotland to determine shared social, economic, environmental, and democratic outcomes, with reviews at least every 5 years.
- Report annually to the Scottish Parliament on the progress towards Wellbeing which looks at statistics and the lived experience of people of Scotland.
- Strengthening public participation requirements for the determination of national outcomes by requiring "participation" rather than 'consultation'.

We also echo calls for the Bill to include a definition of a Wellbeing Economy and 'sustainable economic growth' which appears across legislation.

#### **Q5. Which of the following best expresses your view on whether there should be a Commissioner for sustainable development and wellbeing?**

- Supportive

We believe the Bill should create, and place in statute, a new Commissioner to monitor implementation of the Bill, including the statutory duties, with a legal requirement for the commissioner to be both independent of government, and adequately resourced to support

public bodies to deliver their duties within the Bill. The establishment of a Future Generations Commissioner for Wales has supported better decision making in public authorities and ensure they are improving wellbeing and sustainability. This role of encouraging innovation and constructively challenging decision makers could help drive forward the system and culture change needed in Scotland.

It is vital that the Commissioner's powers would reflect the change needed in the Scottish context to drive forward joined up responses to cross cutting wellbeing concerns, with a clear commitment to participation. The Commissioner could:

- Help build the capacity of public bodies to implement relevant duties and promote best practice and learning. This should include duties around key sustainable development goals such those under the s.44(1)(c) of the Climate Change (Scotland) Act 2009;
- Monitor implementation through scrutiny and investigative powers;
- Assess delivery of the national outcomes for domestic and international PCSD;
- Carry out research and provide published advice to the Scottish Government;
- Develop mechanisms to support meaningful public participation in scrutiny, decision-making and service design;
- Build coherence and understanding across the public sector, including supporting momentum and joined up working on future transformation programmes linked to improving wellbeing like Just Transition and The Promise.

The consultation proposes that the commissioner work at the organisational level by, for example, conducting investigations into how a public body takes their duties into account. This could provide some challenges in capturing issues outside governmental and organisational silos. These silos can result in particularly stark outcomes in pressing public health and wellbeing challenges, where responses in public services do not effectively respond to poverty-related root causes.

At includem we regularly hear from families about barriers such as a lack of support, the complexity of navigating entitlements and support, and how facing complex challenges can result in being drawn deeper into multiple public institutions rather than gaining appropriate support.

*“There are so many services offering a bit of this and that but nothing for kids on the spectrum with anger issues. You are trying to grapple with things and then you have far too many people involved. It is very exhausting...”* (Parent supported by includem, [Voices report](#) 2021)

This can lead to the challenges families face escalating into crisis, with a growing distrust with public authorities due to experiences of stigma, judgement and feeling unheard. Below, a single parent describes how struggling to care for their children on a low income was bad for their mental health – with a public services response to treat this worry with medication rather than addressing its poverty-related root causes, such as food insecurity.

*“I am now on anti-depressants and sleeping tablets due to my worries for caring for my kids. I have lost a lot of weight as I chose to feed my kids over myself all too often.”* (Parent supported by includem, *It Is Not A Choice!* Report 2022)

Notably, due to the inadequacy of social security and low incomes, public sector referrals to charities such as food banks are now entrenched and commonplace –resulting in emergency food provisions effectively subsidising weak public safety nets.

*“At some point it has to stop – it’s not sustainable... in 21st century Britain there shouldn’t be food banks. We are doing the government’s job.”* (Emergency food provider [interviewed by includem](#))

*“Food banks have become the first port of call, rather than last resort... At the beginning of this year I had to half the size of food parcels... People are being told by benefits to go to food banks – essentially told you aren’t going to be able to live...”* (Emergency food provider [interviewed by includem](#))

Recognising the deeply unsustainable nature of services & practice siloes and systematically driven reliance on food banks, the Bill must clearly state that the commissioner’s investigations and wider work would include the working relationships and practice between public bodies that impact families. Further, we would value clarity on how the Commissioner will work with bodies outside the public sector – such as community-based organisations and the third sector – to capture insights into wellbeing challenges.

If resourced appropriately, the new commissioner could be crucial for the success of the Bill in putting a coherent approach to wellbeing and sustainable development at the heart of policymaking in Scotland. It could help:

- Ensure public bodies are fully supported to understand, and then successfully implement, sustainable development duties, as well as to transparently monitor these to ensure progress is both continuous and progressive, and to encourage a culture of learning.
- Respond to the interests of children and young people, future generations and those facing poverty, currently not well represented in Scottish democratic processes.
- Support a shift towards long-termism in policy making, with a particular focus on primary prevention, away from current short-term policy interventions which incur future costs, on health, the environment, and our public services.
- (If adequately resourced) provide support, guidance and facilitate knowledge sharing to help public bodies align all decision making with the goals of achieving sustainable development, wellbeing and the national outcomes.
- Hold public bodies to account and independently scrutinise whether Scotland is making progress towards sustainable development, wellbeing and the national outcomes - creating the conditions for future generations to flourish.

While the proposal envisages a complimentary role with the Children and Young People’s Commissioner, includem would welcome greater clarity on how the commissioners would work together to address major concerns around childhood wellbeing. This is particularly important as [recent figures released by government](#) show stagnation in child poverty – sitting at almost 1 in 4 children in Scotland. This is manifestly unsustainable and detrimental to their and their communities’ wellbeing now and in the future.

**Q6. What, in your view, should the title of the proposed Commissioner be?**

**Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?**

- Fully supportive

We consider it important that the Bill strengthens the duties on public bodies to pursue sustainable development and wellbeing, because it is clear that current duties are not sufficiently clear and coherent to enable effective action on the cross-cutting environmental and social challenges that are impacting the wellbeing of current and future generations. In particular, the WSD Bill could strengthen the existing duty in the Climate Change (Scotland) Act 2019 for public bodies to mainstream sustainable development. Further, this Bill could help ensure that public bodies understand the wider scope of sustainable development beyond climate change – also encompassing key areas of development such as the need to end poverty, provide quality education and good health & wellbeing.

As suggested by the International Development Alliance, the WSD Bill provides an opportunity to create a unified approach to delivering Scotland's National Outcomes, through relocating the national outcomes (Part 1 of the Community Empowerment (Scotland) Act 2015) into the Wellbeing and Sustainable Development Bill, as part of efforts to establish greater clarity for public bodies. The National Outcomes are key to translating overarching goals of sustainable development and wellbeing into concrete outcomes for Scotland. The existing duty on public bodies to 'have regard to the national outcomes' is not strong enough to deliver its ambition and ensure a joined-up approach. A duty to "promote sustainable development and wellbeing in policy development and implementation" is more positive and tangible than existing duties and could improve the effectiveness of implementation.

Ultimately, more will need to be done in resourcing and time to support meaningful public participation on national outcomes and understanding the meaning of wellbeing for the people of Scotland. This needs to illustrate a tangible change in implementation/delivery, set out in the policy, spending and other measures, with clarity on how the process will be assessed and updated on a continuous basis. Improving the frequency and quality of reporting on national outcomes could enhance accountability and boost the importance of national outcomes in decision-making. It will be vital that public bodies are given clear guidance, sufficient support, and the necessary tools in order to implement their sustainable development and wellbeing duties.

**Q8. Any new law can have a financial impact that would affect individuals, businesses, the public sector, or others. What financial impact do you think this proposal could have if it became law?**

- a significant reduction in costs

While a new Commissioner will require significant investment, the office would support policy development that reduces future costs and public funds are used more effectively long term. These reductions in future costs will likely be significantly larger than the

investment to resource the role of the Commissioner. A report by the Wellbeing Economy Alliance, “Failure Demand: Counting the true costs of an unjust and unsustainable economic system”, estimates that the Scottish and UK governments spend hundreds of millions of pounds each year on demands that could be avoided in a more preventatively designed economy. A report by Carnegie UK, Being Bold: Building Budgets for Children’s Wellbeing, makes the fiscal argument for investing in early years and prevention as a way to avoid future costs – from healthcare costs (both mental and physical) to reduced tax revenue and higher welfare spending, and from criminal justice to demand for emergency services.

By placing duties on public bodies to promote wellbeing and sustainable development, and by creating a commissioner that supports and scrutinises implementation, this legislation should shift spending upstream, reducing demand for public services by creating better outcomes for people and planet.