

Proposed Wellbeing and Sustainable Development (Scotland) Bill

Introduction

A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

The consultation runs from 14 December 2022 to 24 March 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Carnegie UK was established over 100 years ago as an independent foundation with a remit to improve wellbeing.

Our purpose is better wellbeing for people in the UK and Ireland. Our experience tells us that we can have the biggest impact on people's lives when we influence decision-makers, whether these are businesses, politicians, civil or public services, or non-governmental organisations. Therefore, we work with partners to contribute to what is known about wellbeing, testing and studying what works in practice. We then use evidence to make the case for which approaches and systems need to change, and recommend how to make that happen.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Carnegie UK

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

[REDACTED]

Aim and approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposed Bill? (Please note, that this question is compulsory.)

Fully supportive

Please explain the reasons for your response.

Over the last decade, Scotland has emerged as one of the leaders in the international wellbeing movement. It is the founder of the Wellbeing Economy Governments (WEGo) and it has an established set of statutory National Outcomes (presented via the National Performance Framework) which articulate a wellbeing vision for the people of Scotland.

Despite the significant shifts in rhetoric, this has not translated into decision-making that improves the lives of current and future generations, as evidenced in great detail in the recent inquiry by the Finance and Public Administration Committee. This Bill is an opportunity to change that.

Carnegie UK believes that the proposed Wellbeing and Sustainable Development Bill would allow the Scottish Government to provide a clear vision and guidance for public bodies to put wellbeing at the centre of decision-making. It would also strengthen existing accountability mechanisms, by establishing a Commissioner to hold decision-makers to account on this agenda. And it would embed long-termism into decision-making, by ensuring that there is always a voice advocating for the wellbeing of future generations. Something we know is critical in, for example, the face of a looming climate crisis.

Finally, in taking this forward, it is clear that Scotland would have an invaluable opportunity to learn from the successful experience of a Future Generations Act and Commissioner in Wales, and to use this to develop world-leading legislation that gives Government and public bodies the tools to put the wellbeing of citizens, now and in the future, at the heart of their decisions.

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.

Although there is already a statutory basis for the National Outcomes in the Community Empowerment (Scotland) Act 2015, it is clear that this has not delivered the desired change in terms of the way that decisions are made and spending is prioritised, nor in terms of improved National Outcomes. Carnegie UK believes that legislation is required in order to overcome existing, well-documented implementation challenges. In our response, we are mindful of international examples where legislation has allowed governments to embed the wellbeing approach into systems and processes (the Public Finance (Wellbeing) Amendment Act 2020 in New Zealand's and the Well-being of Future Generations (Wales) Act 2015).

In particular, Carnegie UK believes that the proposed Bill can be used to create a unified approach to delivering Scotland's national outcomes. Like others, we would like to see the statutory national outcomes (Part 1 of the Community Empowerment (Scotland) Act 2015) relocated into the Wellbeing and Sustainable Development Bill, as part of efforts to establish greater clarity for public bodies. Once achieved, the legislative route is also uniquely places to strengthen incentives and accountability mechanisms, including through the creation of a Commissioner.

We note with interest that the legislation in Wales sets out five statutory ways of working for public services. In the 12 years since the Christie Commission, limited progress has been made in shifting to the '4 P's' of:

People: Reforms must aim to empower individuals and communities by involving them in the design and delivery of the services

Partnership: Public service providers must work more closely in partnership, integrating service provision to improve their outcomes

Prevention: Expenditure must be prioritised on public services which prevent negative outcomes

Performance: The public services system – public, third and private sectors – must reduce duplication and share services to become more efficient.

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.

The Bill also provides a useful opportunity to place these principles, voluntarily agreed upon by Scottish Government and its partners, onto a statutory footing. This would re-energise public sector reform, particularly if matched by statutory guidance, training and other support for public servants.

Importantly, these are not new duties. Legislation is being used to reinstate existing duties (the statutory national outcomes) which have been informed by the people of Scotland and agreed by Parliament, but have fallen short on delivery. The proposed Bill will bring together all of Scotland's commitments on wellbeing and sustainable development into one place, to support more effective implementation.

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

Fully supportive

Please explain the reasons for your response, including any views on what the definition should include.

Carnegie UK supports the inclusion of a definition of 'sustainable development' in legislation and supports the definition in the consultation document as set out by Scotland's International Development Alliance in its 2022 report, "Towards a Wellbeing and Sustainable Development (Scotland) Bill". There are already a large number of references to sustainable development in existing legislation. As Scotland's International Development Alliance have argued, a clear definition will provide clarity and support accountability.

Defining sustainable development in legislation follows the example of other governments, including Northern Ireland and Wales. Like other aspects of this proposed Bill, it is not introducing new duties or concepts, but rather properly defining what is already in place, in order to improve delivery.

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

Fully supportive

Please explain the reasons for your response, including any views on what the definition should include.

Carnegie UK supports the inclusion of a definition of 'wellbeing' in legislation. We are pleased that the consultation document references Carnegie UK's definition of collective wellbeing as comprising social, economic, environmental and democratic wellbeing outcomes. Building on work done by the OECD, we suggest that a legal definition of wellbeing that supports public policy decision making should also include the principles of equity and long-termism. Therefore, we propose the following:

"Collective wellbeing is 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, the inequalities in collective wellbeing between different groups, and the resources for the collective wellbeing of future generations."

We support a legal definition of wellbeing for similar reasons to a legal definition of sustainable development: we believe that it can support accountability by providing greater clarity and specificity around public sector duties.

However, understanding wellbeing does not stop with a definition. The Stiglitz, Sen, Fitoussi Commission highlights the importance of locating 'wellbeing' in time and place. That means governments engaging citizens in a conversation about what matters to them, and using this to inform their wellbeing goals. In Scotland, we do this in the form of our national outcomes, which is why we want to see the national outcomes transposed from the Community Empowerment (Scotland) Act 2015 to the Wellbeing and Sustainable Development Bill.

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

But in order to understand wellbeing, it is also critical that citizen engagement has depth and breadth, that it represents a diversity of voices including those who are further away from policy making processes, and that it has a tangible influence on decision-making. The definition of collective wellbeing that we propose includes the qualified 'that they seek' - which requires engagement to identify the outcomes that matter to the people of Scotland at this particular time, and regularly into the future. That's why we want to see new and strengthened duties on Scottish Ministers to do the following:

1. Engage with a broad and diverse range of people and communities from across Scotland to determine the shared social, economic, environmental and democratic outcomes that constitute national wellbeing. This review of national outcomes should continue to be held carried out by Scottish Ministers at least every 5 years.
2. Report annually to the Scottish Parliament on the progress towards National Wellbeing with reference to both national statistics and the lived experience of the people of Scotland.

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

Fully supportive

Please explain the reasons for your response, including any views on what the key functions of the proposed Commissioner should be (see pages 19 to 20 of the consultation document), what model of governance could be adopted (see page 22 to 23), and whether the Commissioner could play a role in strengthening existing duties or legislation.

Carnegie UK is fully supportive of using this legislation to create a Commissioner with statutory powers to support and scrutinise progress on wellbeing and sustainable development. We recognise that there have been a lot of calls for commissioners in recent years. For us, the primary purpose of a Commissioner is to advocate for people who are not represented in the democratic process, for example children or, in this case, future generations who are not yet born. We know that the decisions we make today will have a lasting impact on the wellbeing of generations to come, and so it is only right that their interests are taken into account in decision-making processes.

The creation of a new Commissioner would also support a shift towards long-termism in policy making. Carnegie UK, along with many others, has recognised that current political structures reward short-term policy interventions, even when they incur future costs, on health, the environment and so on. By bringing a future generations lens to decision making, a Commissioner could help to embed the principles of long-termism, and as such should be seen as an investment in prevention, not a cost.

We believe that the Wellbeing and Sustainable Development Bill should seek to establish a Commissioner, not a Commission, because the former provides a much greater level of visibility and accountability. This is evident from the experience of the Future Generations' Commissioner in Wales. Beyond this, there are important considerations to be made about the model, remit and resourcing of the office. Our recommendation would be to start by engaging with the Office for the Future Generations' Commissioner in Wales, with other offices (for example the Children and Young People's Commissioner), and with developing approaches elsewhere (for example the Bill in the Dáil in Ireland). This learning will be invaluable in designing a model that is most effective in the Scottish context.

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

Please explain the reasons for your response.

Carnegie UK's suggested title is, "Future Generations' Commissioner". We know that the language of future generations has greater appeal and relevance than some of the other terminology we use to describe public policy. This is an important consideration for a public facing role. The title is also a more accurate reflection of the purpose of the Commissioner: to advocate for future generations who are not yet born, and young people who will face the consequences of policy decisions made now for the

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Please explain the reasons for your response.

greatest amount of time). The title also covers the problem that it is trying to overcome (that of short-termism in politics), and provides a positive framing narrative, which we know is a significant tactic for getting public support in bringing about change.

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

Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.

Carnegie UK supports the strengthening of duties for public bodies. The National Performance Framework is Scotland's way to improve wellbeing and to localise the Sustainable Development Goals. Recent evidence suggests that the existing duty on public bodies to "have regard to the national outcomes" (in the Community Empowerment (Scotland) Act 2015) is not strong enough to deliver its ambition. We believe that the duties to "promote sustainable development and wellbeing in policy development and implementation" is more positive and tangible than existing duties and will therefore improve the effectiveness of implementation.

As we have noted above, these are not new duties, but rather the strengthening of existing duties that have fallen short on delivery. A duty to promote the implementation of wellbeing would require public bodies to demonstrate what they are doing to contribute to Scotland's national outcomes, which can be measured locally and by national indicator data sets.

However, while we are supportive of these duties, in order to be effective they need to be accompanied by clear guidance that gives public bodies the tools to use wellbeing data to identify priorities, allocate budgets and appraise outcomes. As we outlined in our evidence to the Finance and Public Administration Committee, other countries have put in place the scaffolding that supports public bodies to develop an effective approach to outcomes, collaboration and joined-up working. Again, there are opportunities here for Scotland to learn from the best international examples in developing its approach to wellbeing and sustainable development.

Financial Implications

Q8. Any new law can have a financial impact which 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

Please explain the reasons for your response, including who you would expect to feel the financial impact of the proposal, and if there are any ways you think the proposal could be delivered more cost-effectively.

It is important to recognise that this legislation requires significant investment in order to be effective. It is likely that the office of a Future Generations' Commissioner would demand a budget that is equivalent to that of the Children and Young People's Commissioner for Scotland.

The function of this office, however, would be to support policy development that reduces future costs. In our report, "Being Bold: Building Budgets for Children's Wellbeing", we made 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

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legislation should shift spending upstream to the sorts of policy intervention that reduces demand for public services by creating better outcomes for people and planet.

Equalities

Q9. Any new law can have an impact on different individuals in society, for example as a result of their age, disability, gender re-assignment, marriage and civil partnership status, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

What impact could this proposal have on particular people if it became law? If you do not have a view skip to next question.

Please explain the reasons for your response and if there are any ways you think the proposal could avoid negative impacts on particular people.

The purpose of the proposed Bill is to improve wellbeing for everyone in Scotland, now and in the future. If the legislation adopts a definition of wellbeing that includes inequalities between different groups, as we have suggested, this should have a beneficial impact on equalities in Scotland. Furthermore, the proposed Bill very clearly seeks to improve intergenerational equity: that is, ensuring that the decisions we make today look after the wellbeing of future generations.

Sustainability

Q10. Any new law can impact on work to protect and enhance the environment, achieve a sustainable economy, and create a strong, healthy, and just society for future generations.

Do you think the proposal could impact in any of these areas? (If you do not have a view then skip to next question)

Please explain the reasons for your response, including what you think the impact of the proposal could be, and if there are any ways you think the proposal could avoid negative impacts?

The purpose of the Wellbeing and Sustainable Development Bill is to create a strong, healthy and just society for future generations. By creating clear definitions, duties on public bodies, and a Commissioner to support and scrutinise implementation, this legislation should allow Scotland to deliver on its ambitions across all of these areas.

General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

Carnegie UK has published a fully referenced version of this response on its website, which is available at the following link: <https://www.carnegieuktrust.org.uk/publications/submission-from-carnegie-uk-backing-wellbeing-and-sustainable-development-bill/>.