

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.

an individual

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".)

Academic with expertise in a relevant subject

Optional: You may wish to explain briefly what expertise or experience you have that is relevant to the subject-matter of the consultation.

Associate Professor of Public Leadership and Management and co-Editor-in-Chief of Public Administration and Development.

Please select the category which best describes your organisation

No Response

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).

Dr Ian C. Elliott

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.)

Neutral (neither support nor oppose)

Please explain the reasons for your response.

Development of the Bill is a political choice. The purpose of my response to this consultation is not to provide a political view but rather to raise some important questions which, I feel, warrant further discussion.

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.

One important point here, which has been noted in the draft proposal and supporting documents developed by SIDA is that there are quite a few pieces of legislation and policies that refer to wellbeing and / or sustainable development already. The challenge seems to be in implementing the current commitments to sustainable development. It is unclear how this new legislation would help to deliver more sustainable development.

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

Neutral (neither support nor oppose)

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

Sustainable development has been defined numerous times in legislation. Again it is unclear how definitional debates can further progress towards meeting sustainable development goals.

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

Neutral (neither support nor oppose)

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

See previous answer.

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

Neutral (neither support nor oppose)

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.

It is unclear how having a sustainable development commissioner would enhance the achievement of sustainable development goals. It is worth noting that there was a sustainable development commission in the UK Government prior to 2011. Why is there no reference to this in the proposal or supporting evidence

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

provided by SIDA? The report of the UK Government Environmental Audit Committee raised a number of issues with the SDC at that time and ultimately it was agreed that Sustainable Development would be more effectively pursued from within government, from the centre of Government by a minister and department. Why is this approach not being adopted now in Scotland? Is there a risk that we repeat the mistakes of the UK Government from over 10 years ago without learning the lessons from their experience?

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

Please explain the reasons for your response.

I don't see how the title of a commissioner will have a direct impact on the delivery of public services or of sustainable development and wellbeing more broadly.

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?

Neutral (neither support nor oppose)

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.

Sustainable development and wellbeing approaches to government are not new. The UK Government, and devolved governments across the UK, have already signed up to many international agreements including most recently the UN Sustainable Development Goals, the 2015 Paris Agreement and of course the pledges made at COP26 in Glasgow. It is unclear how or what any new legislation around sustainable development would add to these existing commitments. There is no gap in legislation but there does seem to be a gap in implementation. It is worth noting that the proposal makes several references to the public sector yet the public sector make up a relatively small proportion of the economy and that many public services are delivered either solely by other sectors of the economy or in partnership with them (third sector and private sector). There is really no public service that is solely delivered by the public sector - so why only focus on sustainable development in the public sector? Is there a wider role to play in other aspects of policy or in procurement in relation to sustainable development? It is also worth noting that the SIDA report highlights the importance of policy coherence - how does the new sustainable development and wellbeing bill represent coherence with the legislation that is being developed within the UK Government and should any Scottish bill be delayed so that policy coherence can be assured?

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?

Don't know

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 unclear what, if any, power a commissioner outside of government would have and therefore how much influence they would have on individuals, businesses, the public sector, or others. In terms of the Bill more broadly the focus seems to be on public sector (though this has not been defined - would it include ALEOs for example) and so again it is unclear what impact (if any) it would have. At the same time there

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would obviously be a cost in terms of salary for a commissioner, office space, administrative support and general expenses. The costs associated with the Welsh Future Generations Commissioner (seemingly a model for this Bill) was £1.5m in 2021/22.

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.

I suspect the Equalities Act and Public Sector Equality Duties would remain in place.

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?

This remains unclear particularly as so many public services and wider parts of the economy are not within the scope of the public sector. What is it about current commitments, policies and legislation in relation to protecting and enhancing the environment, achieving a sustainable economy, and creating a strong, healthy, and just society that has not worked and that this Bill would rectify?

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)?

There seems to be a lack of consideration of previous attempts at developing wellbeing approaches to government or sustainable development either within the UK or internationally. Similarly there is a lack of consideration of current international frameworks for sustainability. The academic journal, Public Administration and Development (of which I am co-Editor-in-Chief), was the first public administration journal to publish on the sustainable development goals (in 2015) and there is a wealth of research on how governments across the world have attempted to develop more sustainable approaches to government. Similarly there are large international networks, particularly through the UN and International Institute of Administrative Sciences (IIAS) which have developed good practice in the area of sustainable

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development. The Public Administration Committee of the UK's Joint University Council (of which I am Honorary Chair) have worked closely with the IIAS in promoting sustainable approaches to government. Finally, my own research on the Scottish governments National Performance Framework has explored it's development as strategic approach to government (Elliott 2020) and more recently how a lack of focus and waning momentum created significant challenges in the practice of strategy (Elliott 2023). Again there are important lessons to be learned but instead of focusing on implementation the desire seems to be to build new policies, structures and systems in a style previously described as "initiative overload".