

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).

RSPB Scotland works in the UK and around the world to carry out conservation work that aims to help to end the nature and climate emergency. We do this through five main work areas, including working with people across every community in the country; and working with policy-makers to join up and campaign on the significant issues that we face to save our planet for future generations. In this work we recognise the reciprocity between human health and wellbeing and the health of the planet, and to promote this we take a range of actions from engaging everyone to protect biodiversity to restore nature; to large-scale environmental change to restore landscapes and protect habitats and species.

This involves us working with Government and key stakeholders such as scientists, farmers, planners, landowners and businesses to develop good policy framed by targets, law, monitoring and enforcement to achieve fair, sustainable development.

We are responding to this consultation because we support the aims of achieving effective joined up policy that helps us to meet sustainable development goals. Our campaigning work aims to raise awareness of the serious issues we face and to hold all stakeholders accountable for their decisions and their impact on the planet.

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).

RSPB Scotland

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.

We are fully supportive as we agree that there is a need to embed a commitment to the sustainable development goals into policy and delivery and we are more likely to achieve this if we have a coherent, consistent approach built into the National Performance Framework and all relevant policy areas. This Bill would help all public bodies to be more observant of the existing NPF and the sustainable development goals.

This starts with a common understanding of and language around what wellbeing and sustainable development is through agreed definitions. However, it is important to have a clear focus on how we will embed these definitions across all relevant policies; and how we will navigate the complexity of the different pieces of legislation to simplify how we can hold people to account rather than add to the complexity. It is important that this highlights the important principles of: a) prevention and taking early steps to tackle climate emergency as well as tackle inequalities that present barriers to achieving this goal; b) efficiency – promoting joined up working that will ensure that we achieve benefit for all communities.

Imposing new duties on public bodies to achieve the SDGs is commendable but this area will require careful consideration of how any new duties will cohere with and complement existing duties firstly for simplicity; secondly for transparency and thirdly for practicality: there is no point in creating duties that are too complicated or onerous to implement. We must also not undermine other good work as an unintended consequence.

To achieve this fundamental aim for coherence will require the appointment of a Commissioner to lead this work and provide the one point of contact, the dedicated focus and specific allocated resources needed to make this happen

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.

Legislation will ensure that the focus on the important issues that this proposal aims to address is given the weight and authority that it needs to achieve real change. Enshrining definitions and duties in law sets clear and consistent standards and expectations; and reduces the risk of local decision-making diluting the impact of what we are aiming to achieve.

Legislation also brings all priorities and commitments together under one policy area, simplifying gathering data, monitoring and scrutinising actions that brings greater accountability

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.

Creating a definition is important firstly because it allows consistent language to be developed that also aids coherent decision-making and transparency and ensures that we are clear about what we currently say and believe. Secondly, however, it is important because the process of developing a definition will require a discussion of key principles and standards; will raise awareness of the key issues that need to be addressed to protect and promote rights and equalities; and will allow debate of potential areas of conflict to achieve consensus across a diverse policy landscape.

However, achieving this consensus needs to be given time and needs to include comprehensive engagement and participation of a wide range of stakeholders, including representatives of the communities who will be most impacted by the decisions made based on these discussions. The conversations facilitated through engagement and participation are more important than the words that are finally agreed.

We also recognise the scale of the work following this to embed this agreed definition across the range of policies that would need to be reviewed and amended given the number and types of documents that have used this phrase.

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.

As above – defining wellbeing is important for consistency and transparency and establishing a benchmark of what we currently say; but also much more importantly because the process of developing a definition will require a discussion of key principles and standards; will raise awareness of the key issues that undermine wellbeing across our communities, and open a discussion about social, political, cultural and economic rights and equalities in Scotland. This process of engagement will also allow debate of potential areas of conflict to achieve consensus across a diverse policy landscape.

However, achieving this consensus needs to be given time and needs to include comprehensive engagement and participation of a wide range of stakeholders, including representatives of the communities who will be most impacted by the decisions made based on these discussions – specifically communities who experience the greatest inequalities impacting wellbeing.

Effective engagement and participation requires time and resources to reach people where they are and to be inclusive of a wide range of views and experiences.

We recognise the difficulty of embedding any new definition across the range of policies and policy areas affected by this work; and this could be potentially a greater issue than with 'sustainable development' given that wellbeing is a term used widely in Scottish Government documents. Therefore a decision would need to be taken as to what policies/documents would come within the scope of this new Act that would require this new definition to be implemented.

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

Fully supportive

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

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.

Given the scale of the work required in achieving the other 2 main aims of developing a coherent definition and creating new duties, a dedicated resource will be required to develop and lead this work.

The list of proposed duties is comprehensive and the main benefit of such a role is to provide the dedicated resources to be a single point of contact for the work; to drive timeframes and hold people account to achieving targets; and to provide the consistent approach when working across different departments and stakeholder groups. This role would provide effective necessary guidance and support for public bodies implementing the changes; further cementing the process of securing positive 'buy-in' and support from public bodies.

However a significant omission is in the specific function of facilitating/requiring engagement and participation of communities across the country. This may be considered to be implicit in some of the functions, but if it is not specifically articulated, public bodies and other stakeholders cannot be held to account for upholding important principles such as inclusivity and equality which are critical to achieving social justice at the heart of the SDGs

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

Please explain the reasons for your response.

No Response

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.

We support that new duties are likely to be required once the work is underway and engagement and participation is undertaken, and specifically duties to have due regard to wellbeing and sustainability goals when making a range of planning and development decisions.

However, we agree with the concerns raised in the proposal regarding the number of duties already placed on public bodies and the complexities of balancing different and conflicting goals given the high level cross-cutting impact of this proposal. Therefore this work should be about strengthening and clarifying existing duties, streamlining commitments and giving clear guidance about how all duties can be met effectively.

Scrutiny of existing duties to understand these links and connections is an essential first step before imposing new duties beyond the overarching principle of taking wellbeing and sustainability goals into account.

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?

No Response

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.

This proposal will help to drive a coherent approach to addressing inequalities and ensuring that all communities have a voice in the future and future planning to address climate change that does not further disadvantage those communities already living with significant social, health and economic inequalities.

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 will have a positive impact on our work to achieve these outcomes through encouraging and requiring a cross-cutting, more joined up approach. Building a future-facing/future-proofing element into the role of the Commissioner and into the goals brings a commitment to long-termism.

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)?

No Response