

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

Public sector body (Scottish/UK Government/Government agency, local authority, NDPB)

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).

Public Health 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.

Children born in Scotland today will die younger than children born in other Western European countries. A

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

child born in our poorest places will die ten years before one born in our wealthiest areas. Public Health Scotland (PHS) supports the proposed Wellbeing and Sustainable Development Bill and for a related Commissioner. These moves have the potential to increase accountability and drive change in Scotland, leading to longer, healthier lives for everyone.

Protecting the future health of our population requires investment in all the building blocks of health. This means ensuring everyone has access to safe, secure housing; adequate incomes to live; fair work; clean and healthy environments. The health of our people and planet are intertwined. Sustainable development is essential for the health and wellbeing of future generations.

The bill could make a significant difference to a number of areas:

- Improve national wellbeing by strengthening accountability and scrutiny around existing processes, embedding preventative action as business as usual in the public sector; reducing inequalities; and increasing life expectancy.
- Provide a new blueprint at a time of uncertain finances, providing an opportunity to fundamentally rethink how policy is both designed and implemented, and driving collaboration across organisational boundaries.
- Streamline policy, combining the visions for a Wellbeing and Sustainable Development Bill, Commission/er, and the Community Empowerment Act. This could declutter the local and national government policy landscape and support implementation.
- Provide a future focus, building on the direction set by the existing Covid Recovery Strategy to address systemic inequalities; make progress towards a wellbeing economy; and towards inclusive person-centred public services.
- Tackling the nature & climate crisis: changes in our climate and natural environment are already having an impact on population health and wellbeing in Scotland, with our most deprived communities bearing the burden and less able to adapt. This legislation can ensure we are working together across Scotland to preserve our environment, undo damage and adapt at pace, protecting the wellbeing of future generations and the planet.

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.

We believe that legislation is the most effective way to achieve the Bill's aims. While there are clear links to existing policy (National Performance Framework and Wellbeing Economy); legislation (Community Empowerment (Scotland) Act); and delivery structures (Community Planning Partnerships), stakeholders have consistently reported implementation challenges which has limited our collective impact on improving health and wellbeing of communities and addressing longstanding inequalities. The recent Parliamentary Inquiry into Health Inequalities highlighted that policy action to date has been insufficient to address these and concluded that additional action is urgently needed across all levels of Government, with a particular focus on prevention. The report highlighted challenges around scrutiny, accountability, collaboration, and incentives. Existing policy and legislation could be reviewed and updated to place a greater emphasis on sustainable development and strengthen accountability. PHS believes the proposed legislation presents an opportunity to fundamentally redesign the way we develop policy and deliver services; making clear the links between sustainable development, health, and wellbeing agendas; and bringing renewed energy and focus to long-term investment and action. By introducing all-encompassing legislation, we can strengthen accountability to national outcomes and deliver better results for Scotland's communities.

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

Fully supportive

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

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

There are multiple definitions for key concepts which have the potential to cause confusion and inconsistent application of the final legislation. The legislation should provide definitions of sustainable development, wellbeing, and prevention, which recognises health and its associated social, economic, and environmental determinants. This will enable the development of coherent policy, which sets a shared understanding of aims of the legislation, enabling better implementation.

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.

There are multiple definitions for key concepts which have the potential to cause confusion and inconsistent application of the final legislation. The legislation should provide definitions of sustainable development, wellbeing, and prevention, which recognises health and its associated social, economic, and environmental determinants. This will enable the development of coherent policy, which sets a shared understanding of aims of the legislation, enabling better implementation.

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.

We fully support proposals to create a Commissioner for Scotland in this area. We broadly agree with the key functions highlighted in the consultation.

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

Please explain the reasons for your response.

We feel the function of the commissioner is more important than the title. The experience of Wales provides is a good example of something that works well and that could be replicated in Scotland. The Commissioner in Wales has given Wellbeing and Sustainable Development work a high profile and has also encouraged cross sector engagement and support to meet the ambitions laid out in the Well-being of Future Generations (Wales) Act 2015. There is a wealth of learning coming out this year which could help to inform similar work in Scotland.

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.

It is important that the Bill strengthens the duties on public bodies to pursue sustainable development and wellbeing, because current duties are not sufficiently clear and coherent to enable effective action on the environmental and social challenges that are impacting the wellbeing of current and future generations. As noted above (Q2) there is currently an implementation gap on what policy wants to achieve and what it delivers, with resulting challenges around scrutiny, accountability, collaboration, and incentives. PHS sees the Wellbeing and Sustainable Development Bill as a key method to help reduce health inequalities in our communities. By making this way of working central to the way public bodies operate we can focus policy on those who need the most support. There are already national mechanisms in place which can articulate the way organisations need to work and we see the National Performance Framework as Scotland's wellbeing framework. Improving life expectancy and reducing health inequalities requires a cross-government effort. The National Performance Framework is intended to be used as a shared set of outcomes, shaping public policy and planning. After COVID-19 and in the face of a cost-of-living crisis, shared priorities and outcomes have never been more important.

A potential barrier to implementation is through a lack of related support which could lead to the inconsistent adoption of suitable ways of working, ultimately slowing progress. Evidence from Wales found an implementation gap following introduction of the Act, with high levels of support requested. We recommend implementation support be considered and appropriately resourced from the outset. Like Public Health Wales, Public Health Scotland can play an important role in supporting implementation. Our data and insights could assess progress and prioritise areas for action. Our evidence can identify what works and we can support outcomes-focused and public health approaches to planning. Such support would need to be adequately resourced from the outset to ensure capacity met expected demand. Implementation could be measured using data and evidence aligned with agreed outcomes. This would help to prioritise spend and policy focus on the issues requiring most attention. Consideration should also be given to data to monitor and evaluate impact, including agreeing intermediate indicators. Canada and New Zealand published wellbeing budgets in 2021 using WISE-type frameworks and subjective wellbeing metrics. Public Health Scotland is already supporting the development of the COVID Recovery Dashboard to support local systems to work towards the National Recovery Outcomes. There are opportunities to build on this work to deliver meaningful data to aid decision making.

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.

Investment in primary prevention, stopping problems from occurring, is evidenced* to be the most cost-effective means of improving population health and wellbeing. Incentivising collaboration, greater policy alignment/decluttering, and outcomes-focused funding, with increased flexibility, can create more effective and efficient use of public resources.

Through proper implementation a Wellbeing and Sustainable Development Act should impact on all policy and emerging legislation to ensure decisions make sense for today while also not having a detrimental impact on future generations. PHS advocates a public health approach to prevention, meaning investment is made now to stop health inequalities from happening in the first place. This proposed legislation has the potential to fundamentally redesign the way we plan and deliver services, some of which may not develop tangible benefits for some time, but which have the potential to significantly reduce demand for public services over time. We believe that a focus on delivering long-term benefits over politically driven targets

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would help to deliver better outcomes for Scotland's communities.

*<https://jech.bmj.com/content/71/8/827.info>

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.

PHS believes that strengthening the identification of and driving action to address inequalities should be central to the ambition of a Wellbeing and Sustainable Development (Scotland) Act, as systemic social and economic inequalities have a direct impact on inequalities in health and wellbeing. Through proper implementation a Wellbeing and Sustainable Development Act should impact on all policy and emerging legislation to ensure decisions make sense for today while also not having a detrimental impact on future generations. The legislation provides the chance to audit, consolidate, and strengthen existing impact assessment requirements, ensuring climate, health and socioeconomic inequalities are adequately considered. A combined wellbeing impact assessment could declutter and strengthen impact, while increasing capacity for action. This new way of working would consolidate best practice while driving targeted action to those groups most in need of support, something we feel would, over time, help to reduce health inequalities in Scotland's communities.

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?

Given the proposed focus on sustainable development, wellbeing, and the links that environmental wellbeing and the economy have on both, the ambition would be that the new legislation impacts these positively. Through proper implementation a Wellbeing and Sustainable Development Act should impact on all policy and emerging legislation to ensure decisions make sense for today while also not having a detrimental impact on future generations. The new legislation provides an opportunity to consider emerging policy through a public health lens and complement work towards realising a wellbeing economy and a renewed focus on shaping places.

The legislation could also help the Scottish Government meet its target date for net zero emissions of all greenhouse gases by 2045. The bill could ensure partners are working together across Scotland to preserve our environment, undo damage and adapt at pace, protecting the wellbeing of future generations and the planet. Taking this longer-term view is central to the wellbeing and sustainable

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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?

development route and should lead to greater public involvement and better decisions being made for the long-term health of Scotland's communities.

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)?

PHS see a number of other areas the legislation could make a positive contribution to:

Adoption of a cross-government approach: Siloed national policy can miss opportunities to contribute to a broader set of outcomes, or unintentionally undermine work in other areas. Adopting a proactive cross-governmental approach to designing policy could address this. For example, New Zealand's wellbeing budget approach defines five long-term wellbeing objectives and proactively removes silos and works cross-government to develop policy. This requires dedicated structures and resource to embed, such as a dedicated team or planning group. Outcomes planning or wellbeing impact assessments (encompassing health, inequalities, and climate impacts) can identify cross-policy contributions and avoid unintended negative consequences.

Declutter the policy landscape: Public bodies face multiple reporting demands and duties on overlapping areas, impeding implementation. Recent work at PHS found that Local Government has reporting requirements for 340 data streams annually, but little capacity to interrogate the data. Similarly, there is a requirement for organisations to carry out multiple impact assessments on areas that overlap. The legislation provides the chance to audit, consolidate, and strengthen existing impact assessment requirements, ensuring climate, health and socioeconomic inequalities are adequately considered. A combined wellbeing impact assessment could declutter and strengthen impact, while increasing capacity for action.

Adopt a broad ambition: we believe all sectors can contribute to improving socio-economic, and health and environmental wellbeing. This is an opportunity to strengthen the contribution of the private sector. A Commission/er could play an important role in promoting the ambition and increasing public / cross-sector support and awareness.