

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

Representative organisation (trade union, professional association)

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).

Scotland's International Development Alliance is the membership body for everyone committed to creating a fairer world, free from poverty, injustice and environmental threats. Our response is drawn from the report we published last June: Towards a Wellbeing and Sustainable Development (Scotland) Bill, which was supported by our policy committee, a sub-committee of our board, and representative of our membership.

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).

Scotland's International Development Alliance

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.

The Alliance is hugely supportive of a Wellbeing and Sustainable Development (Scotland) Bill. The Bill would give force and meaning to commitments on wellbeing and sustainable development, while ensuring that consideration is given to the global impacts of activities here in Scotland.

In June last year we published a report outlining how the Bill could put policy coherence for sustainable development (PCSD), and human and ecological wellbeing, at the forefront of government: Towards a Wellbeing and Sustainable Development Bill :: Scotland's International Development Alliance (intdevalliance.scot). The report addresses the questions raised in this consultation but we outline our responses again here.

The Bill could trigger a step change that ensures sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland. The Bill would naturally link with the National Outcomes in the National Performance Framework, which is the way Scotland seeks to measure progress towards the Sustainable Development Goals.

The Bill could:

- Provide an opportunity to be world-leading

The Bill presents an opportunity for Scotland to become a genuine leader in sustainable development and in embedding wellbeing as a goal in policymaking.

- Tackle the nature & climate crisis

To ensure the Scottish Government does not contribute to making our planet uninhabitable through irreversible biodiversity loss and climate chaos, leave anyone behind or lose sight of what is important in terms of our own individual and collective wellbeing, it is vital that we find a way to make sure we work together in a more joined-up and systematic way, especially in government, and also across the whole of society.

- Support a global outlook

This Bill could avoid negative social, economic, and environmental impacts here in Scotland and significantly reduce negative impacts on the lives and livelihoods of people elsewhere, particularly in 'majority world' and low-income countries. Acknowledging and responding to our current and historical role in creating global inequality between and within countries is vital. This will require active procedures that ensure access to information, public participation, and access to justice in decision-making.

- Encourage efficiency towards achieving Sustainable Development Goals

The legislation would assist in setting objectives towards achieving all the SDGs, and the linked National Outcomes, equally and ensuring that doing so impacts positively on communities and people's wellbeing and the environment here in Scotland and globally. The legislation should ensure that all public bodies are working towards all of the outcomes, not just a select few.

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 is the only way that the Bill's aims could be achieved effectively.

Legislation is an important tool for societal change. It can require and encourage compliance, but also shift societal norms in a much wider range of ways. For example, it can clarify the meanings of important terms, and so move public debate on; it can raise awareness amongst policymakers and the public, and create the structures and processes through which concepts can take hold and flourish.

The Bill also offers an opportunity to clarify policy coherence for sustainable development, and the necessity of its implementation.

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.

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.

The inclusion of a definition of 'sustainable development' in this legislation is particularly important, because there are already a large number of references to sustainable development in existing legislation. A clear definition will provide clarity and support accountability.

Defining sustainable development

We propose the following definition for sustainable development:

"Sustainable Development can be defined as the development of human societies in ways which do not threaten planetary boundaries, and which equitably support the capability of present and future generations across the world to meet their needs."

Supporting principles

Key principles to elaborate this definition could be added. We consider the following to be useful: The principle of enhancing ecological and planetary systems through regenerative approaches.

- The principle of intra- and inter-generational equality and equity – to meet the needs of present generations without compromising the ability of future generations to meet their needs.
- The principle of (human or social-ecological) wellbeing instead of economic growth as the core societal objective.
- The principle of interdependence and indivisibility across public policy, meaning that policies are inextricably linked and require policy coherence for sustainable development in response.
- The principle of doing no harm internationally and good global citizenship.
- The principle of evidence-based policymaking.
- The principle of openness and transparency – the availability of information on efforts to achieve sustainable development is vital to engagement and accountability.
- The principle of participation – to recognise that everyone in society has a role to play in working together to achieve sustainable development.

It might be that other principles reflecting Scotland's specific context, e.g. regarding language and culture, could also be included.

Like other aspects of this proposed Bill, having a clear definition of 'Sustainable development' does not mean introducing a new duty or concept, but rather properly defining what is already in place across other legislation, in order to improve delivery.

Defining policy coherence for sustainable development

In order to ensure that domestic and international policy coherence for sustainable development is understood and implemented as a core principle of sustainable development, as listed under the definition of sustainable development, we also propose it should be clearly defined, in the Bill as follows:

Policy coherence is the consistency of public policy, whereby:

- no policy undermines any other policy
- where policy conflicts occur, the root cause of the conflict should be identified and efforts made to resolve it in a manner which:
 - o minimizes trade-offs
 - o maximises synergies.

Policy coherence for sustainable development must:

- support ecological integrity and social equity within Scotland, and elsewhere in the world
- support the self-defined sustainable development of other countries.

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

Fully supportive

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

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

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.

Defining wellbeing

Building on work done by the OECD, we suggest that a legal definition of wellbeing that supports public policy decision making should include the principles of equity and long-termism. Therefore,

- 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, 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.

Defining a wellbeing economy

The Bill should also include a definition of a 'wellbeing economy' that creates human and ecological wellbeing within planetary boundaries. This should give focus to enabling all people in Scotland to realise the social, economic, environmental and democratic outcomes that they seek, without having a detrimental impact on the ability of people in other countries, and future generations to meet theirs.

The Bill could contain a requirement for the transition to a wellbeing economy to prioritise sustainable consumption and production (SCP). Principles include:

- transition to an economy of sufficiency as well as efficiency;
- reduction of material consumption and all types of wastes;
- reduction of the detrimental impacts on ecology and humans in Scotland and elsewhere;
- adherence to the polluter pays, proximity and precautionary principles;
- the equitable distribution of benefits and disbenefits of the economy;
- decent and sustainable livelihoods.

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 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 Commissioner should:

- help to build the capacity of public bodies to implement their duty under s.44(1)(c) of the Climate Change (Scotland) Act 2009, including through the development and provision of tools, training, impact assessment methods, etc.;
- monitor the implementation of that duty through scrutiny and investigative powers;
- assess delivery of the national outcomes for domestic and international PCSD;
- carry out research and provide advice to the Scottish Government, with this published;
- develop mechanisms to support public participation in scrutiny and decision-making for wellbeing, sustainable development and domestic and international PCSD.

We also outline some key reasons why we consider the Commissioner to 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:

- Public bodies must be fully supported to understand, and then successfully implement, the new sustainable development duties imposed on them by the WSD Bill, as well as to monitor, transparently,

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

their usage, to ensure progress is both continuous and progressive and to encourage a culture of learning.

- The interests of future generations and those of the 'majority world' are currently not well represented in Scottish democratic processes. The commissioner's role would be to give a voice to both current and future generations, living both here and elsewhere in the world in the democratic processes of Scotland.
- The creation of a new Commissioner would also support a shift towards long-termism in policy making, with a particular focus on primary prevention. . 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.
- Aligning all decision making with the goals of achieving sustainable development and wellbeing and the national outcomes can be a challenging task for public bodies. To be successful it will require support, guidance, as well as the collaborative testing and knowledge sharing of new approaches. Adequately resourced, the Commissioner will be important to provide this support and guidance and facilitate knowledge sharing. This will not only be useful for potential new duties within this bill, but will also help public bodies with delivering already existing duties on sustainable development.
- So far there is no body in Scotland with the capacity to independently scrutinise whether Scotland is making progress towards sustainable development, wellbeing and the national outcomes and is creating the conditions for future generations to flourish. An important role of the Commissioner will be to hold public bodies to account for working towards these goals effectively.

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

Please explain the reasons for your response.

It is important for the title of the Commissioner to resonate with the public across Scotland and not policymakers in order for the Commissioner to provide visibility and accountability and to realise the full potential of the role. 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 and in Wales has been a way of engaging the public in this new space. That said, it does not capture the global scope of our ambitions and the need to consider those living both here and elsewhere in the world, as well as both current and future generations.

Therefore we propose a title which encompasses both future generations and sustainable development: (Scottish) Commissioner for Future Generations and Sustainable Development

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 it is clear that 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.

In particular, the WSD Bill could strengthen the existing duty in the Climate Change (Scotland) Act 2019 for public bodies to mainstream sustainable development.

The national outcomes, currently set out in the National Performance Framework, are the key to translating overarching goals of sustainable development and wellbeing into concrete outcomes for Scotland. The bill provides an important 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. Recent evidence suggests that the existing duty on public bodies to "have regard to the national outcomes" is not strong enough to deliver its ambition. Instead, a duty to "promote

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?

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.

Therefore, as well as being relocated, Part 1 of the Community Empowerment Act should be amended to apply to some of the duties that the existing Community Empowerment Act has conferred on Scottish Ministers, so that:

- o when Scottish Ministers set new national outcomes, they must be able to show how they will support wellbeing, Sustainable Development and PCSD.
- o when Scottish Ministers are setting new national outcomes, or revising existing ones, they will have to do more to support meaningful public participation.
- o before Scottish Ministers set new, or revise existing, national outcomes, the Parliament will have to be allowed more time to scrutinise draft versions. In 2018, the convenor of the lead Scottish Parliament committee said, due to a shortage of time, the committee was "unable to give any consideration to other committees' responses" and issued a "plea for more scrutiny time in the future".
- o when reporting on national outcomes, Scottish Ministers will have to explain how they are coherent and have supported PCSD.
- o Scottish Ministers will be required to produce a framework for the delivery/implementation of national outcomes. This could set out the policy, spending and other measures put in place, alongside a clear indication of how progress will be assessed – with these updated on a continuous basis.
- o Scottish Ministers will be required to report on the delivery of national outcomes more regularly. Currently, they "must prepare and publish reports about the extent to which national outcomes have been achieved". However, reports must only be prepared and published "at such times as the Scottish Ministers consider appropriate". Improving the frequency and quality of reporting on national outcomes would enhance accountability and boost the status of the outcomes within decision-making.

Even if the Bill is mostly aimed at strengthening existing duties, it will be vital that public bodies are given clear guidance, sufficient support and the necessary tools in order to implement them. Some suggestions for this include:

- o The Future Generations and Sustainable Development Commissioner can play an important role in providing this support and there is a chance for Scotland to learn from examples of other countries, such as New Zealand or Wales.
- o Public bodies can also be supported around implementation, such as through the provision of impact assessment tools and toolkits. Scotland's Adaptation Capability Framework is useful for what might be needed in terms of support for public bodies to implement specific duties, including 'understanding the challenge'. However, it may be worth considering how a bespoke Scottish toolkit will combine support to implement specific aspects of duties with the broader implementation of wellbeing and PCSD. There are already toolkits on the latter available.

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 and Sustainable Development 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 and we consider that the reductions in future costs will likely be significantly larger than the investment to resource the role of the Commissioner.

By placing duties on public bodies to promote wellbeing and sustainable development, and by creating a

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?

commissioner that supports and scrutinises implementation, this 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.

This proposed Bill would positively impact equalities in Scotland.

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 proposed Bill would positively impact sustainability in Scotland.

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