

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)

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).

Oxfam 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.

Oxfam Scotland has backed the call for a Wellbeing and Sustainable Development (Scotland) Bill (WSD Bill) since 2020 and this was a key recommendation in our 2021 pre-election briefing . We also have a

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

longstanding interest in the introduction of both improved measurement frameworks and the required transition to a 'wellbeing economy'. We see this Bill as an important piece in the puzzle in delivering these objectives, which are critical to combatting poverty and inequality, as well as tackling the climate crisis. We firmly believe this Bill could trigger a step change that drives Scotland further along this journey by ensuring 'sustainable development' and 'wellbeing' become the unequivocal drivers of policy and practice.

For too long, in Scotland and globally, measurement of a nation's progress has been dominated by the pursuit of growth, as measured by Gross Domestic Product (GDP), irrespective of how carbon-intensive that growth is, or who benefits from it. Too often it is seen as a goal in and of itself, rather than a means of delivering societal outcomes. We need better measures of progress that capture genuine wellbeing and sustainable development.

Scotland's National Performance Framework (NPF), which the Scottish Government presents as Scotland's 'wellbeing framework', offers a positive alternative approach – one we highlight within our global influencing. However, it needs to be strengthened, and we believe the WSD Bill creates an opportunity to achieve this. We were encouraged that the Deputy First Minister John Swinney confirmed that:

"Consideration on how the NPF can be further embedded in the practices of government and public bodies will therefore form a key part of the development of the WSD Bill." We believe the Bill is an opportunity to strengthen the National Outcomes themselves and how they are used in policy and spending decisions. The Bill also creates an opportunity to link local and global issues, while ensuring the wellbeing of people and planet, now and in the future, are prioritised over unequally distributed, short-term economic gains.

To deliver progress, the WSD Bill should cover the following key areas:

1. Clear definitions for "wellbeing" and "sustainable development"

A clear aim for this Bill is clarity over what is meant by both 'wellbeing' and 'sustainable development'. A statutory definition for terms like these, which are widely used in existing legislation and Scottish Government policy documents, cannot be created by any means other than legislation. We therefore support the call from Scotland's International Development Alliance that: "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 a Wellbeing and Sustainable Development (WSD) Bill."

2. A Legal Requirement for Meaningful Public Engagement on the National Outcomes

The Bill should significantly strengthen the existing consultation requirements on Scottish Ministers when they set new, or revise existing, national outcomes. It should also increase the public engagement requirements in relation to the monitoring of progress. It is critical that citizen engagement has depth and breadth, that it represents a diversity of voices including those who are further away from policy making process, like carers, minoritised ethnic groups and people on low incomes, and that this engagement has a tangible influence on decision-making.

3. Relocate and Strengthen Duties on Ministers Relating to the National Outcomes (Part 1 of the Community Empowerment (Scotland) Act 2015) into the WSD Bill

As well as being relocated to sit within the WSD Bill, we support proposals by Scotland's International Development Alliance for Part 1 of the Community Empowerment Act to be amended to apply duties, so that:

- when Scottish Ministers set new national outcomes, they must be able to show how they will support wellbeing, Sustainable Development and PCSD, as defined in the WSD Bill.
- when reporting on national outcomes, Scottish Ministers will have to explain how they are coherent and have supported PCSD, as defined in the WSD Bill.
- Scottish Ministers will be required to produce Delivery Plans that follow the same 5 year life cycle as the National outcomes themselves, as outlined further below, for each national outcome and be required to report on progress towards their delivery in accordance with a clear and regular reporting timeline – ideally every 12 months to drive ongoing scrutiny and ambition.

4. Clarify and Strengthen Duties on public bodies for Delivering the National Outcomes

The proposed Bill should provide greater clarity over the contribution made by different actors towards the delivery of the National Outcomes, by strengthening the existing duties on public bodies. Recent evidence suggests that the existing duty on public bodies to "have regard to the national outcomes" is not strong

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

enough to deliver its ambition. We agree with others, like Carnegie UK, that a duty 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.

5. A Requirement for National Outcome Delivery Plans and Annual Progress Reports

The WSD Bill should require Ministers to develop, and lay before Parliament, time-bound delivery plans for each national outcome, including clarity over the policy and spending decisions taken to support their implementation, and enhanced clarity over the timescales for delivering specified progress. This would help ensure that the broader NPF becomes a roadmap, rather than a vision, for the Scotland we want to see. Such an approach could echo the delivery plan requirements within the Climate Change (Scotland) Act 2009 and the Child Poverty (Scotland) Act 2017 .

The Bill should also enhance Scottish Ministers' reporting requirements. Currently, they must only prepare and publish Progress Reports at such times as they "consider appropriate". Improving the frequency and quality of reporting on the National Outcomes would enhance accountability and boost their status within decision-making.

6. Boosting Support and Scrutiny of Delivery Through a Commissioner

The Bill should create an independent commissioner – known as Scotland's Commissioner for Sustainable Development and the Wellbeing of Future Generations – to support public bodies to work towards sustainable development and wellbeing goals across their policy remits, and with legal powers to scrutinise and monitor the progress achieved in setting and delivering against realistic and achievable objectives. In short, a linked support and scrutiny function.

In addition, this Bill presents several other important opportunities:

♣ Demonstrating global leadership

The Bill is an opportunity for Scotland to become a genuine leader in embedding sustainable development and wellbeing as active goals within policymaking. The legislation could build on the successes and limitations of similar legislation elsewhere, including the Wellbeing of Future Generations (Wales) Act 2015, while building upon existing strengths in the Scottish context, such as the NPF, to go further than anywhere else.

♣ Reinforcing Scotland's climate credentials

The Bill could help make sure we work together in a more joined-up and systematic way to deliver Scotland's existing climate change legislation by strengthening the existing duty in the Climate Change (Scotland) Act 2009 for public bodies to mainstream 'sustainable development'.

The Bill comes at an important time, when the Scottish Government's advisers, the Committee on Climate Change warn that, having missed seven out of the last 11 annual emission reduction targets, Scotland's legal targets are "in danger of becoming meaningless". It could also offer an opportunity to build upon the existing Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 by requiring the setting of robust targets to reduce Scotland's consumption-based emissions. While Scottish Ministers are required to report on emissions attributable to Scottish consumption of goods and services, no targets to reduce these currently exist. Yet emissions from imported products and services make up a substantial share of Scotland's carbon footprint, and this share is likely to grow as Scotland's domestic emissions fall. Consideration should be given to the introduction of consumption-based targets , either through the WSD Bill or via the Circular Economy Bill, when it is placed before the Scottish Parliament.

♣ Bolstering Scotland's commitment to global solidarity

This Bill could help reduce negative impacts of Scotland's public sector (known as spill-overs) on the lives and livelihoods of people elsewhere, particularly in 'majority world' and low-income countries. This would be achieved by ensuring duties relating to sustainable development are definably global in scope, with public bodies supported to interpret their role in global solidarity appropriately.

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 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.

A clear aim for this WSD Bill is clarity over what is meant by 'wellbeing' and 'sustainable development'. A statutory definition for these terms cannot be created by any means other than legislation. In addition, the creation of a statutory role, like a commissioner, with legal powers, cannot be achieved other than by legislation. Similarly, if the WSD Bill is to support enhanced implementation of the national outcomes, it will require changes to statutory public duties and this can only be achieved by legislation. More broadly, we believe the Bill provides an opportunity to bring together all of Scotland's commitments on wellbeing and sustainable development into one Act, thereby supporting more effective implementation, while simplifying the statute book.

Furthermore, after years of rhetorical commitment from Governments around the world, including Scotland, to enhance or improve 'policy coherence for sustainable development' (PCSD), it is a term that remains underused in policy circles, and an ideal that is rarely delivered in practice. Coherence – mutual support and consistency – is not a requirement of public policy, and consideration of the impacts of one policy on others, or on those outside Scotland's borders, is not a cultural norm within the Scottish civil service. This Bill could provide a legal route to change that. To support a shift towards a more sustainable developmental pathway, it is important to be clear that policy coherence is with the aim of achieving sustainable development, i.e. PCSD. The NPF, or replacement framework, could be set up to support PCSD, but legislation is required to achieve this.

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.

We believe 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. As Scotland's International Development Alliance have argued, a clear definition will provide clarity and support accountability. Following from this, 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."

As outlined by the Alliance, we also propose that the following key principles sit alongside this definition:

- ♣ 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

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

together to achieve sustainable development.

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 to improve delivery.

Importantly, alongside defining 'sustainable development', to ensure that domestic and international 'policy coherence for sustainable development' (PCSD) is understood and implemented as a core principle of sustainable development, we also back the Scotland's International Development Alliance proposal that it should be defined in the Bill as follows:

Policy coherence is the consistency of public policy, whereby:

1. no policy undermines any other policy
2. 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

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 those outlined above in relation to 'sustainable development': we believe that it can support accountability by providing greater clarity and specificity around public sector duties. Building on work done by the OECD, we back Carnegie UK's suggestion that a legal definition of wellbeing must support public policy decision making and should include the principles of equity and long-termism. Additionally, however, we also believe that any definition of wellbeing must be local and global in scope. We therefore propose definitions of both 'collective wellbeing' and 'National Wellbeing' as follows:

♣ 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 total collective wellbeing and is also concerned with the inequalities in collective wellbeing between different groups, both domestically and globally, and the conditions for the collective wellbeing of future generations.

However, establishing what this definition means for Scotland must involve engaging citizens about what matters to them. A commitment to this engagement to inform the development of wellbeing goals (or national outcomes) must therefore form a critical part of this legislation, as we outline below in response to question 8.

We believe the Bill should also include a definition of a 'wellbeing economy', to give clarity to the Scottish Government's stated ambition in this area. This should be defined as:

"An 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.

As called for by the Alliance, the Bill should also contain a requirement for the transition to a wellbeing

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

economy to prioritise sustainable consumption and production. Principles should include:

- ♣ transition to an economy of sufficiency as well as efficiency;
- ♣ reduction of material consumption and all types of waste;
- ♣ 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.

As the much-disputed phrase 'sustainable economic growth' appears in existing legislation, and can be interpreted in ways that undermine sustainable development, it should also be clarified in the WSD Bill as referring to:

- ♣ growth which does not threaten ecological integrity or social equity in Scotland or globally;
- ♣ growth in some sectors, especially pro-ecological, pro-social sectors, those which support a transition to a wellbeing economy, etc., with a corresponding phase-out of industries which are detrimental to social-ecological wellbeing;
- ♣ growth in some geographical areas, where it is necessary in order to support the meeting of fundamental human needs;
- ♣ an increase in business models (e.g. co-operatives/social enterprises) and businesses which increase the resilience of local economies by maintaining the flow of money within them, rather than leaching it out to headquarters elsewhere; increase business diversity; serve local needs, etc.

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 by both the Scottish Government and public bodies in Scotland. This includes the proposed legal requirement for the Scottish Government to conduct meaningful public engagement on the National Outcomes, beyond the current consultation process; the creation and strength of the National Outcome Delivery Plans; and independent scrutiny of the annual Progress Reports. There should also be a legal requirement for the commissioner to be both independent of government, and adequately resourced to support public bodies to deliver duties imposed by the Bill.

In addition, as per the Scotland International Development Alliance report, 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 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, because:

- ♣ Public bodies must be fully supported to understand, and then successfully implement, strengthened sustainable development duties imposed on them by the WSD Bill, as well as to monitor, transparently, their usage, to ensure progress is both continuous and progressive and to encourage a culture of learning. To be successful, public bodies will require support, guidance, as well as the collaborative testing and

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

knowledge sharing of new approaches. Adequately resourced, the Commissioner can help provide this support, while facilitating knowledge sharing. This will not only be useful for potential new duties within this Bill but will also help public bodies with delivering existing duties on sustainable development.

♣ 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.

♣ The creation of a new Commissioner would 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.

♣ 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 while creating the conditions for future generations to flourish. An important role of the Commissioner will be to hold the Scottish Government and public bodies to account for working towards these goals effectively.

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 to implement them. A Commissioner can play an important role in providing this support, learning from examples of other countries, such as New Zealand or Wales. 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.

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

Please explain the reasons for your response.

We believe that it is important for the title of the Commissioner to resonate with the public across Scotland if it is 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. That said, 'Future generations', too, does not necessarily capture the global scope of our desire for sustainable development and wellbeing which concerns both current and future generations, living both here and elsewhere in the world.

Therefore, we support a title that includes reference to both what the Bill covers, and future "generations". A suitable title could be:

"Scotland's Commissioner for Sustainable Development and the Wellbeing of Future Generations"

This title could, where relevant, be shortened for public use to "Future Generations Commissioner", which is the name currently proposed by the Scottish Government.

Ultimately, however, ensuring the Commissioner has the required resources and legal powers to support public bodies to deliver their legal duties is much more important than the title.

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.

The main purpose of the Bill is not to add lots of extra duties on public bodies, but to strengthen, clarify

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?

and streamline existing duties around sustainable development, wellbeing and the national outcomes – many of which are falling short on delivery, while boosting the support they receive. Changes to existing duties should include:

1. Strengthening the existing duty in the Climate Change (Scotland) Act 2009 for public bodies to mainstream sustainable development.

According to research by Scotland's International Development Alliance, in some cases, public bodies may find duties conflict, based on their founding legislation. One such example might be the economic growth imperative for Scottish Enterprise, set out in the Enterprise & New Towns (Scotland) Act 1990, which conflicts with the sustainable development duty in the Climate Change Act 2009. Hence, provisions should be made to resolve any conflicts. This could be pursued on a 'case-by-case' basis, especially where there are prominent conflicts. However, the WSD Bill could also amend the Climate Change (Scotland) Act 2009 so that, once conflicting duties have been identified, the Act outlines a requirement for a transparent process that seeks to resolve this conflict as far as possible, reflecting the imperative of 'policy coherence for sustainable development'. Certain 'exemptions' may be necessary for extreme circumstances, however, in theory, this amendment could apply in all cases.

2. Relocating and strengthening duties on Ministers relating to the national outcomes (Part 1 of the Community Empowerment (Scotland) Act 2015) into the WSD Bill.

As well as being relocated to sit within the WSD Bill, we support proposals by Scotland's International Development Alliance for Part 1 of the Community Empowerment Act to be amended to apply to duties, so that:

- ♣ when Scottish Ministers set new national outcomes, they must be able to show how they will support wellbeing, Sustainable Development and PCSD.
- ♣ when reporting on national outcomes, Scottish Ministers will have to explain how they are coherent and have supported PCSD.
- ♣ Scottish Ministers will be required to produce delivery plans for the national outcomes and be required to report on the delivery of national outcomes more regularly.

3. Strengthening the legal requirement on Scottish Ministers to ensure meaningful public participation when setting or revising or revise existing, national outcomes

The Bill should significantly strengthen the existing consultation requirements on Scottish Ministers when they set new, or revise existing, national outcomes. The existing Community Empowerment (Scotland) Act 2015 requires Scottish Ministers to review the national outcomes every five years and to consult "such persons who appear to them to represent the interests of communities in Scotland" and "such other persons as they consider appropriate" have led to insufficiently narrow consultation processes. For example, we consider the consultation conducted in 2018 to have been insufficient to provide a robust intersectional understanding of people's views. We are also concerned that engagement plans during the currently open consultation are narrow. The WSD Bill should increase the statutory public engagement requirements. It is critical that citizen engagement has depth and breadth, that it represents a diversity of voices including those who are further away from policy making process, like carers, minoritised ethnic groups and people on low incomes, and that this engagement has a tangible influence on decision-making. That's why we want to see the WSD Bill amend the duties on Scottish Ministers relating to the national outcomes to do the following:

- ♣ require them to 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 meaningful review of the national outcomes should continue to be carried out by Scottish Ministers at least every 5 years. Specifically, clauses around engagement should require 'participation' rather than 'consultation'.
- ♣ report annually to the Scottish Parliament on the progress towards the national outcomes with reference to both national statistics and the lived experience of the people of Scotland.

The Bill should also mandate enhanced Parliamentary involvement. Currently, Scottish Ministers must prepare draft National Outcomes, and consult the Scottish Parliament during a 40-day period. In 2018, the Convenor of the lead committee highlighted the limited time available for scrutiny, with the committee "unable to give any consideration to other committees' responses". The lead Committee's report recommended that the Scottish Government extend the timescale for Parliamentary scrutiny so that

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?

Committees can conduct "a more in-depth scrutiny of the revised National Outcomes and the consultation undertaken to produce them".

4. Clarifying and strengthening legal duties for public bodies delivering the National Outcomes

The Bill should provide greater clarity over the contribution made by different actors towards the delivery of the National Outcomes, by strengthening the existing duties on 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. We agree with others, like Carnegie UK, that a duty 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.

5. Requiring Scottish Ministers to publish Delivery Plans and annual Progress Reports for the National Outcomes

The Bill should require Ministers to develop, and lay before Parliament, time-bound delivery plans for each national outcome that follow the same 5-year life cycle as the National outcomes themselves, including clarity over the policy and spending decisions taken to support their implementation, and enhanced clarity over the timescales for delivering specified progress. This would help ensure that the broader NPF becomes a roadmap, rather than a vision, for the Scotland we want to see. Such an approach could echo the delivery plan requirements within the Climate Change (Scotland) Act 2009 and the Child Poverty (Scotland) Act 2017 . For example, in relation to the latter, Scottish Ministers must set out: the measures they propose to take during the period of the plan for the purpose of meeting the child poverty target; an assessment of the contribution the proposed measures are expected to make; an explanation of how that assessment has been arrived at, and; an assessment of the financial resources required to fund the proposed measures. The WSD Bill should adopt a similar approach to drive ongoing progress towards the National Outcomes.

The Bill should also enhance Scottish Ministers' reporting requirements, ideally every 12 months to drive ongoing scrutiny and ambition. Currently, they must only prepare and publish progress reports at such times as they "consider appropriate". Improving the frequency and quality of reporting on the National Outcomes would enhance accountability and boost their status within decision-making. For example, in relation to the Child Poverty (Scotland) Act 2017 , Scottish Ministers must prepare annual progress reports, detailing progress: (a) towards meeting the child poverty targets, and (b) in implementing the relevant delivery plan. Given the breadth of the National Outcomes, a consultative approach is also essential to ensure the National Indicators are fit for purpose and to ensure a rounded assessment. In addition, a fully intersectional approach to data collection is vital, recognising that individuals' outcomes are impacted by a range of overlapping characteristics. Consideration could be given to enhancing, and placing into law, the Scottish Government's Equality Evidence Finder and to requiring qualitative data to be provided alongside quantitative data for each Outcome.

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 up front 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 and

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?

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

A report by the Wellbeing Economy Alliance on the cost of addressing "failure demand", estimates that the Scottish and UK governments spend hundreds of millions of pounds each year on demands that could be avoided in a more preventatively designed economy. This also chimes with the long-standing goals of the Christie Commission. Further, a report by Carnegie UK focused on the wellbeing of children, makes the fiscal argument for investing in early years and prevention 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 legislation should, over time, support a shift in spending to upstream policy interventions that reduce demand for public services by creating better outcomes for people and planet from the outset.

Additionally, through strengthening the legal requirements around the National Outcomes for Scottish Ministers to produce Delivery Plans and annual Progress Reports, as outlined above, clearer links would be established between each national outcome and spending decisions to help achieve them. It is hoped that this would serve to strengthen the way in which the Scottish Budget is transparently and deeply linked to the delivery to the national outcomes.

As noted by Carnegie UK Trust, the budget process is often seen as "the stumbling block to shifting to a larger-scale vision on national wellbeing". It currently does little more than list the "primary" and "secondary" national outcomes which spending by different government portfolios is designed to support. While noting that attributing outcomes to a single budget line is "notoriously difficult", the Scottish Parliament's Information Centre's (SPICe) Financial Scrutiny Unit says "it should still be possible for parliamentarians to gain an understanding of the extent to which a budget line has made a positive contribution to an outcome". Positively, the SNP has committed to establishing a "Wellbeing Budget" to ensure "all budget decisions benefit the wellbeing of people across the country" and the WSD Bill offers an opportunity to help realise this.

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.

By ensuring Scotland's national outcomes, and the indicators used to track progress, are generated following meaningful engagement with people with diverse characteristics across Scotland, coupled with more frequent and intersectional reporting of progress, we believe that, over time, this proposed Bill would help drive policy and spending decision-making to help narrow inequalities in Scotland.

In addition, the focus on ensuring Scotland pursues sustainable development and collective wellbeing within planetary boundaries, and in ways which equitably support the capability of present and future generations across the world to meet their needs, the Bill can help to address global 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 legislation would have significant positive impacts on sustainability as it is the primary objective of the legislation to do so.

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