

Proposed Wellbeing and Sustainable Development (Scotland) Bill

Introduction

A proposal for a Member's Bill to ensure policy development and implementation by public bodies is in line with principles of sustainable development and wellbeing by introducing a duty for public bodies to promote these principles and establishing a Commissioner for sustainable development and wellbeing.

The consultation runs from 14 December 2022 to 24 March 2023

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

an individual

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

Professional with experience in a relevant subject

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

I have worked in the field of Sustainable Development for 30 years. My experience includes 4 years spent as the Senior Adviser and Acting Director of the Sustainable Development Commission in Scotland - the Commission was the independent 'critical friend' on sustainability to the Scottish Government. I wrote an annual audit of sustainable development in Scotland that was submitted directly to the First Minister. I also spent 9 years as a consultant during which time I was commissioned by the Scottish Parliament to appraise whether the governance structure of the Scottish Government were aligned with sustainable development. Finally I am or have served as Chair or a Board member for organisations including SEPA, Zero Waste Scotland and Transform Scotland.

Please select the category which best describes your organisation

No Response

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Only give the name of your organisation if you are submitting a response on its behalf).

(Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Philip Matthews

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 analysis in the consultation document is right - we have a range of mechanisms within Scotland aimed at promoting aspects of sustainable development, but the overall impact is limited at present. The lack of a clear statutory definitions of sustainable development and wellbeing is important. Since the demise of the Sustainable Development Commission in 2010, Scotland has lacked an independent voice that is able to challenge and encourage public bodies to better deliver on their sustainable development duties. The creation of a Wellbeing and Sustainable Development Commissioner would address this. I am less convinced of the added value delivered by the creation of new public sector duties on sustainable development and wellbeing, recognising that there is a significant challenge in doing this in ways that do not lead to confusion or to duties being ignored.

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.

I think legislation is required. The legislation is clear and focussed on three achievable objectives. I cannot see how these could be established in an effective way without this approach.

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 currently suffer from a confusion caused by the use of the term 'sustainable development' in a myriad of ways. Confusion is heightened by the interchangeable use of a range of other terms to mean sustainable development; and by the fact that in some contexts, action on climate change is now seen as a proxy for sustainable development. The same confusions exist around the term 'wellbeing'. A definition of these terms in legislation, if done properly and by learning from experience in other countries, could therefore be useful. That said, the paper acknowledges the very real challenges in creating a definition of sustainable development that is broad and universally applicable, while also easily understood and able to be used to assess whether decisions are compatible with sustainable development. The principles for sustainable development set out in the consultation paper help to add clarity to the definition. However, I think that another critical element will be to ensure the proposed Commissioner, and other bodies such as Audit Scotland, are able to effectively audit the actions of public bodies and provide support and advice. In a more detached way, Environmental Standards Scotland may also have a role to play in ensuring that legislation. The former Sustainable Development Commission fulfilled some of this role, but didn't have the range of powers proposed for the Commissioner.

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.

My response to this is similar to that for the previous question. I support the legal definition of wellbeing with the caveats acknowledged in my response to question 3.

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.

I am very supportive of the propose to establish a Commissioner and believe this to be the most important element of the three proposed in this consultation. While I agree with legislation to define 'sustainable development' and 'wellbeing' no definition is in itself going to drive forward effective action in a uniform way. There is therefore a need for audit and scrutiny; and for an external party to identify gaps and contradictions in legislation or policy. Equally important is the building of capacity and awareness, and the sharing of good practice exemplars that others can follow. Finally, reporting is critical - I would sugges that should be to both the Parliament and to the First Minister. Other important actions will include a. an ability to identify best practice from overseas/other parts of the UK, b.support for peer to peer learning so that advice and capacity building is most relevant to individual public bodies, and c. a link to effective reporting procedures and an ability to engage in wider public debate as some existing Commissioners appointed by the Parliament are able to do. As noted earlier an appraisal of the interaction between the Commissioner, Audit Scotland and ESS will also be important to ensure all three work together effectively and without duplication of effort.

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

Please explain the reasons for your response.

I support the term Wellbeing and Sustainable Development Commissioner; or alternatively Commissioner for Future Generations.

Q7. Which of the following best expresses your view on whether there is a need for duties for public bodies to promote sustainable development and wellbeing in policy development and implementation?

Neutral (neither support nor oppose)

Please explain the reasons for your response including views on any barriers to implementation of these duties and on how the effectiveness of implementation could be measured.

I am not convinced that new duties are required. As noted, sustainable development underpins a wide range of existing legislation while we also have an equality duty and otehr mechanism such as the public bodies duty on climate change that refers to sustainable development. To me it is more important to properly define sustainable development and, critically, to establish auditing, scrutiny and reporting procedures that drive the delivery of sustainable development in an integrated and effective way.

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?

some increase 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.

There would be a cost in establishing an effective and supported Commissioner. An effective Commissioner may drive actions that may have wider public sector costs; but this is by no means clear. Many actions are likely to be cost neutral or even cost saving if they lead to more integrated policy and practice. This Bill will also assist in delivering the stated objectives of the Government and Parliament.

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.

No Response

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?

Yes. The primary focus of the proposed legislation is to drive sustainability.

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