



Wellbeing and Sustainable Development Bill

A response to the Scottish Government consultation by Stop Climate Chaos Scotland
February 2024

Introduction

[Stop Climate Chaos Scotland](#) (“SCCS”) is a diverse coalition of over 60 civil society organisations in Scotland who campaign together on climate change. Our members include environment, faith and belief groups, international development organisations, trade and student unions and community groups. We believe that the Scottish Government should take bold action to tackle climate change, with Scotland delivering our fair share of action to keep global temperature rises below 1.5 degrees and supporting climate justice around the world.

SCCS welcomes the opportunity to respond to [this consultation](#), by the Scottish Government, on a Proposed Wellbeing and Sustainable Development Bill. After some preliminary observations below, this response offers some introductory, strategic observations and then seeks to answer the questions in the consultation paper.

SCCS is aware that a number of our members, and partner networks such as Scottish Environment LINK, Scotland’s International Development Alliance, and the Wellbeing Economy Alliance have submitted, or will submit, detailed responses, addressing these issues and wider aspects of the Bill and its proposals. SCCS commends and supports these. We hope that, in taking forward this proposal, this submission (along with others) will be useful and taken into account.

Climate context

From devastating droughts to catastrophic floods, the impact of the spiralling climate crisis could not be clearer, and those with the least responsibility for causing rising global temperatures are facing the most severe - and deadly - consequences.

The UN Secretary General, António Guterres, recently said: *‘humanity is on thin ice — and that ice is melting fast.’* He called on the world’s nations to *‘massively fast-track climate efforts by every country and every sector and on every time frame.’* Similarly, Lord Deben, the outgoing chair of the Committee on Climate Change, has said: *“our children will not forgive us if we leave them a world of withering heat and devastating storms where sea level rises and extreme temperatures force millions to move because their countries are no longer habitable. None of us can avoid our responsibility. Delay is not an option.”*

A climate emergency was declared by governments in 2019 in response to years of campaigning and the massive upwelling of concern expressed through the school strikes. Although this declaration raised unprecedented concern throughout society and business, it resulted in very little tangible new or accelerated action or policy. For this emergency to be taken seriously, we require a step up in action across every sector and at an accelerated scale and speed.

Wellbeing and sustainable development

In the context of the climate crisis, wellbeing and sustainable development should be central themes for any and all governments. An economy and society that is sustainable would be one that operates **within planetary limits** – especially with a rate of carbon (or equivalent) emissions that protects us from damaging climate change. Such a sustainable society and economy will also include a focus on wellbeing – so that **all the needs of individuals are addressed**, including that economic/financial needs are addressed **in a manner that is fair (both within and between generations)**.

For this reason, [SCCS’ Climate Manifesto](#) included a specific policy proposal for [an ambitious and impactful Wellbeing and Sustainable Development Act](#). In particular, this policy proposal supported a Bill that would:



- “Make all public bodies set objectives towards sustainable development outcomes, ensuring that they impact positively on people and the environment in Scotland and in low-income countries, and create a legal requirement for meaningful public participation in the democratic process and decision making by building on existing requirements for public participation under the Community Empowerment Act 2015 and, crucially, enshrining the role and remit of the Citizens’ Assembly into law.”
- Enshrine a statutory requirement for all future Scottish Governments to align budgets to sustainable development objectives. The Bill should create clear definitions for key terms, such as ‘sustainable development’; clarify and strengthen duties on public bodies for delivering the national outcomes; and require the creation of national outcome delivery plans and annual progress reports.
- Introduce an independent Wellbeing and Sustainable Development or Future Generations Commissioner to support implementation of the Act. Such a Commissioner would:
 - o Be placed on a statutory footing as part of the Bill to signal the importance the Government places on sustainable development and the wellbeing of current and future generations.
 - o Provide a space for learning to coalesce.
 - o Help build the capacity of public bodies and support them to understand and implement duties relating to sustainable development and the delivery of the National Outcomes.
 - o Monitor the implementation of sustainable development duties through scrutiny and investigative power.
 - o Assess delivery of the National Outcomes and address the implementation gap.
 - o Be an ambassador to engage the wider public and provide advice and scrutiny to the Scottish Government.”

The above recommendations reflect and complement those in [a research report](#) produced for Scotland’s International Development Alliance. In addition to the issues related to the wellbeing of people in Scotland and Scotland’s environment, this report highlights the benefits of the approach proposed to ensure that Scotland makes a positive contribution to people and the environment, across the planet. Thus, it recognises that our actions here, in Scotland, impact on the environment and communities elsewhere – for example, through the impact of our emissions, through our procurement and supply chain decisions, and through our initiatives to support the global south mitigate and adapt to climate change.

In addition to overarching legislation, a wellbeing and sustainable economy would be achieved more easily, and be more robust, by the adoption of [a number of other, related policies](#) set out in SCCS’ Climate Manifesto. These include:

- [Climate-friendly economic policy](#);
- [Deprioritising economic growth, as measured by GDP](#), as a means of measuring national wellbeing, and decisively shift the focus of policy and spending decisions to the pursuit of richer measures of national wellbeing, including the protection of the environment;
- [Moving to a Scotland which is litter free and has a circular economy](#);
- [Requiring circular economy and climate obligations in procurement strategies for public bodies](#);
- and
- A range of initiatives to improve education and understanding of climate change and public/community participation in decision-making and delivery.

SCCS therefore welcomes this consultation – and will base our response (and our view of the Scottish Government’s final proposals) on the ambitions set out above. SCCS is also aware of the consultation undertaken by Sarah Boyack MSP, referenced in Part 4 of the consultation; that consultation (and the many responses to it) include important ideas that should be integrated into any Scottish Government Bill and its implementation.

The Bill should aim to create a clear and shared narrative of progress for Scotland along with an overarching structure for decision making and accountability that enables public bodies and other organisations to work together collaboratively and coherently towards that narrative. This could trigger a step change that ensures sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland, making Scotland a world leader in this important area, including the achievement of emissions reduction targets.



Responses to consultation questions

Defining wellbeing

- Is a statutory definition of 'wellbeing' required?
- Do you have any views on how 'wellbeing' can be clearly defined in legislation?

Ideally, wellbeing should be both better defined and that definition included in statute. A legal definition of wellbeing, if agreed, would support accountability by providing greater clarity and specificity around public sector duties. However, unlike 'sustainable development' (see below), the term wellbeing does not, as yet, occur widely in statute and there is, perhaps, less need for a statutory definition.

However, there is clearly a need for more consistency and better application of the concept as described in annex F of the consultation. For instance, there are 12 references to a 'wellbeing economy' in the 2021-22 Programme for Government – but this also illustrates that the Scottish Government itself, as yet, has no clear and consistent interpretation of the term; as it says both:

“building a wellbeing economy which secures sustainable, inclusive growth for everyone, in all parts of Scotland”; and

“a wellbeing economy: one that is environmentally sustainable, enables businesses to thrive and innovate, and tackles the social inequalities that have been exacerbated by the pandemic”.

Given the absence of a clear, succinct definition of wellbeing, and its relative absence from the existing statute book, SCCS does not have a firm view on whether a definition *in legislation* is a priority. However, it is a priority that a clear definition and interpretation is developed – and then applied consistently across government. Such a definition should build on work done by the OECD, support public policy decision making and must include the principles of equity and long-termism.

Thus:

- **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.

Thus, SCCS' priority for legislation would be a statutory duty for Scottish Ministers to develop and publish a policy statement on wellbeing (including a definition and guidance on interpretation), together with a duty that, once approved, they and all public bodies would be required to have regard to the statement in carrying out their functions. Such guidance should set out the role of the National Performance Framework and National Outcomes in describing the Scottish Government's ambitions for a Wellbeing economy and sustainable development – and the duty to prepare such guidance should reference this as required content.

Defining sustainable development

- Is a statutory definition of 'sustainable development' required?

Yes. The term 'sustainable development' occurs widely in existing legislation and its application and interpretation is subject to hugely varying approaches. This is addressed in Annex F of the consultation, but also explored in more depth in Sarah Boyack MSP's consultation. A clear definition, backed up with guidance to aid interpretation, would create both a 'level playing field' and better application of existing/future legislation.

- Do you agree with our proposal that any definition of sustainable development should be aligned with the common definition: “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”?

Yes. As outlined in Annex F of the consultation, the concept of sustainable development originated in the UN World Commission on Environment and Development report, 'Our Common Future' in 1987 –



going on to be reflected in international agreements arising from the Earth Summit in Rio de Janeiro in 1992. The definition proposed here is that used by the 'Our Common Future' report – and it is thus very appropriate that it remains the “base definition” for the term.

Notwithstanding the above support for the 1987 definition to form the basis of any definition, it may also be desirable to add to this - so as to clarify and aid its interpretation. Thus, SCCS supports the definition suggested by Scotland's International Development Alliance; this is:

Sustainable Development is “the development of human societies based on fair shares of planetary boundaries, and which equitably support the capability of present and future generations across the world to meet their needs.”

This definition remains succinct and based on the concept of present and future generations (as per the 1987 definition) but makes explicit that this includes a recognition of planetary boundaries and the importance of equity. The most significant planetary boundaries, of course, relate to climate change and biodiversity loss - unless emissions reductions and the restoration of nature are secured, there will be no long-term economy or society. Thus, as well as ensuring the definitions include reference to these planetary boundaries, the bill must also establish ways of working, for government and public bodies, that ensure they are recognised - and policy and practice all works towards emissions reductions and the restoration of nature. The various duties and the Commissioner, proposed in this response, would - if enacted and implemented well - all contribute towards delivering such an approach.

- Do you have other views on how 'sustainable development' can be clearly defined in legislation?

In addition to the observations in our answer to the questions above, it is also important that the definition does not exist alone – with no explanations or guidance to interpretation. Such guidance needs to explore the economic, social and environmental 'needs' of future generations and the impacts that decisions today can make. We would, therefore, propose that as well as specifying the definition, the legislation should also introduce a statutory duty for Scottish Ministers to develop and publish a policy statement on sustainable development (to provide such guidance), together with a duty that, once approved, they and all public bodies would be required to have regard to the statement in carrying out their functions, especially their budget responsibilities.

Such guidance should set out the role of the National Performance Framework and National Outcomes in describing the Scottish Government's ambitions for a Wellbeing economy and sustainable development – and the duty to prepare such guidance should reference this as required content.

- What future wellbeing issues or challenges do you think legislation could help ensure we address?

Through this Bill creating a duty to take into account sustainable development and wellbeing, and making these the drivers of policy and practice across public life, it provides an opportunity to put primary prevention at the forefront of decision making. This would protect the health, economic and social wellbeing of future generations, and the sustainability of our environment and public services for all. In particular, it would help us to tackle the nature and climate crises and leave Scotland and the wider planet in a better condition for future generations. If done well, it would:

- **Be 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.
- **Improve efforts to tackle the nature & climate crises:** 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.
- **Help contribute to global justice:** 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.

In addition, one major challenge that this Bill (and the measures it could introduce) could address is the need for more coherent policy-making. In particular, new duties under this bill would ensure that Ministers and public bodies are required, in future, to consider and address issues of wellbeing and sustainable development. Thus, in making policy, such as the Islands Growth Deal, it would no longer be possible (as appears to be the case at present) to accord conventional economic levers precedence above all other factors. Experience indicates that, at present, the operation of the Islands Growth Deal thwarts any progress to a true wellbeing culture which promotes the principles of community wealth building and sustainable development (because of the weight accorded to Treasury Green Book assessments over community, social or environmental issues).

- We are aware that the term 'sustainable development' has been set out in various legislation of the Scottish Parliament since devolution in 1999, and that careful consideration will need to be given to how any new definition will impact on these. What impact, if any, would the proposed definition have on other areas of legislation?

As indicated above, the main impact will be greater clarity and consistency – as a result of the single definition, uniformly applied, and interpreted in accordance with a new and single guidance document. As such, our view is that the impact would be positive.

The main issue to address in the process of “careful consideration” would be to ensure that pre-existing references to sustainable development are, if necessary, amended to ensure clarity that the term be interpreted in accordance with the new definition and guidance. Should any of the pre-existing references include ‘old’ definitions or guidance, these should be removed.

In addition, the bill might also be used to address references to ‘sustainable development’ in existing legislation that are oblique or confusing (and thus poorly implemented). For instance, the Climate Change (Scotland) Act 2009 requires all Scottish public bodies to, in exercising their functions, act in the way they consider “most sustainable”. This duty has not been well-implemented, possibly due to the wording of the Act and a lack of parallel capacity building, support and accountability requirements; it would be strengthened by clarification that this means acting in accordance with the (newly and properly defined) concept of sustainable development.

Strengthening duties for the National Outcomes and sustainable development

- How could a legal duty be defined to ensure that public authorities uphold sustainable development and the interests of future generations?

The duties, proposed above, would contribute to such an outcome. This would be secured if required guidance set out the role of the National Performance Framework and National Outcomes in describing the Scottish Government’s ambitions for a wellbeing economy and sustainable development – and the duty to prepare such guidance makes clear that the link to these ambitions is required.

In addition, the existing duty on public authorities to “have regard to the National Outcomes” in the Community Empowerment (Scotland) Act 2015 is weak - and could be improved to underline the links described above. Thus, the duty should be amended to use more tangible, directional and affirmative language relating to the delivery of the National Outcomes, wellbeing and sustainable development. This would help ensure that public authorities take account of, and effectively work towards, wellbeing, sustainable development, and the delivery of the National Outcomes.

This 2015 Act duty should, therefore, be amended so that public authorities are required to:
“promote and deliver sustainable development while protecting the wellbeing of current and future generations ensuring that they take all reasonable steps to support the realisation of the National Outcomes, minimise trade-offs, and resolve policy conflicts in a way that does not undermine sustainable development or the wellbeing of current and future generations.”



- Are there specific areas of decision making that should be included or excluded from the Bill?

All areas of devolved policy- and decision-making should be included (and, by extension, none excluded). This would, therefore, include all the responsibilities of Scottish Ministers and all public bodies carrying out devolved functions in Scotland. This would be beneficial as it provides maximum clarity on the scope of duties.

For the avoidance of doubt, the above response includes matters related to the public finances and budgets, including taxation/revenue and all public expenditure. This would ensure that the Bill introduced “a statutory requirement for all future Scottish Governments to align budgets to sustainable development objectives” as proposed by SCCS’ climate manifesto (see above).

- What issues, if any, may result from strengthening the requirement to have regard to National Outcomes?

First, the national Outcomes must adopt and underline the statutory emissions reduction targets set by the Climate Change (Scotland) Act 2009, as amended. It must be clear that failure to meet these targets is a failure to achieve the National Outcomes – and that meeting these targets is a core component of the environmental ‘leg’ of sustainable development.

Secondly, the social and economic outcomes must indicate that the above targets should be met in a manner that is fair and just – and that a ‘just transition to net zero’ is a National Outcome.

Thirdly, the Scottish Government’s role and ambitions in relation to international climate policy and climate justice should be recognised, with clear aims and objectives specified.

Clarifying to whom the duties apply

- Should any duty apply to the Scottish Government?

Yes. Given the extensive responsibilities of Scottish Ministers across many policies related to wellbeing and sustainable development, the proposed legislation would be meaningless (and ineffective) if the duties did not apply to the Scottish Government.

- Do you have any views on the range and type of organisations that any duty should apply to?

All public bodies. It is hard to identify a public body that does not have some role or function in relation to matters that could advance (or hinder) movement towards a wellbeing economy and sustainable development.

Defining ways of working

- Do you have any views on how we can better report the achievement of wellbeing objectives which supports clear accountability and scrutiny of public bodies in Scotland?

Stronger accountability would be delivered if Ministers were required to report more regularly on progress towards the National Outcomes to Parliament - as well as Parliament then also giving ample time to scrutinise these reports and make recommendations.

In addition, government reporting should be complemented by an institution capable of providing independent assessments of Scotland’s progress towards wellbeing and sustainable development. Our preferred option for this would be a Future Generations Commissioner (see below).

- Do you have any views on whether any duty related to ways of working could create conflicts with duties currently placed on you?

N/A – SCCS is not a statutory or public body.



- Do you have any views on the additional resource implications necessary to discharge any wellbeing duty in your organisation?

N/A – SCCS is not a statutory or public body.

Determining an approach for future generations

- Should Scotland establish an independent Commissioner for Future Generations?

Yes. Since the abolition of the Sustainable Development Commission (not at the instigation of the Scottish Government), there has been an absence of independent advice and scrutiny on the issue of sustainable development. The proposal for a Commissioner for Future Generations could address this gap – as well as provide similar functions in relation to a wellbeing economy.

As set out in SCCS' Climate Manifesto (see above), we support the principle of establishing a Commissioner to champion sustainable decision making to help further our nation's collective wellbeing.

However, this support is subject to the need for considerably greater detail and clarity on how it will operate in practice. This greater clarity needs to address the question in relation to its status, powers and functions, as well as the interactions (overlaps and/or complementarity with inter alia Environmental Standards Scotland, the Climate Change Committee and the Scottish Human Rights Commission).

Ideally, SCCS believes that such a Commissioner should have the status of a Parliamentary Commissioner (to provide independence from the executive/public bodies); and, the powers to provide effective scrutiny and accountability (such as those available to the Scottish Information Commissioner or Environmental Standards Scotland). However, this will require consideration of the potential for overlap with existing commissions/commissioners. Such consideration need not result in more commissions/commissioners – the current role and powers of the Commissioner for Children and Young People might be integrated into that of the new Commissioner (albeit that the new officeholder/body would have considerably greater/wider role/powers).

- In what ways could an independent Commissioner for Future Generations increase the accountability, scrutiny, and support for decision making?

An officeholder or body established along the lines suggested above would complement the role of Parliament itself in providing accountability, scrutiny, and support for decision making. This would be both direct and indirect. In operation, the new Commission/er would provide independent and expert advice to, and scrutiny of, the Scottish Government and public bodies. However, it would also be available to provide independent and expert advice to Parliamentary Committees, thus enhancing their roles in this area.

- Are there alternative ways we can increase the accountability, scrutiny, and support for decision making?

None as effective as that proposed above.

Stop Climate Chaos Scotland
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