

FSD Submission

Wellbeing and Sustainable Development (Scotland) Bill

March 2023

Q1 Which of the following best expresses your view of the proposed Bill?

–Fully supportive

The wellbeing of both current and future generations depends on the decisions and actions we take today. Ensuring a sustainable and equitable future requires adopting a much longer-term perspective within all aspects of policymaking, something that demands substantial reform to achieve¹². The proposed [Wellbeing and Sustainable Development \(Scotland\) Bill](#) can support this journey through the infrastructure of a commission or commissioner, which can take a long-term perspective and encourage policymakers to consider the needs of future generations rather than just short-term gains. In doing so, Scotland can further establish itself at the forefront of thinking and practice on meeting sustainable development challenges.

In recent years, Scotland has made considerable efforts to advance sustainable development. Notable milestones include the [Fairer Scotland Action Plan](#) (2016), the [National Performance Framework's](#) alignment with the UN Sustainable Development Goals, and the Scottish Government's first [National Review on the SDGs](#) (2020). The Scottish Government has also engaged citizens in new ways, such as through [Scotland's Climate Assembly](#). It has made other significant commitments, including its three-year [United Nations Convention on the Rights of the Child \(UNCRC\) Implementation Programme](#). The Scottish Parliament's [Citizen Participation and Public Petitions Committee](#), established in 2021, has also launched a welcome [inquiry](#) into how people's voices inform the work of the Parliament.

The Wellbeing and Sustainable Development (Scotland) Bill proposes a robust legal foundation to underpin sustainable development principles, building on progress thus far to further enable appropriate policy coherence and overcome short-term pressures from various sources such as election cycles. This legislation can also facilitate increased citizen involvement; long-term thinking; prevention; monitoring and reporting; capacity building; and continuous learning and adaptation. It can do so by putting in place the necessary mechanisms and duties to increase collaboration and integration, ultimately allowing democratic institutions in Scotland to function more effectively in the short and long term.

Establishing a commissioner or commission for future generations can help harmonise short-term goals with long-term objectives, ensuring that immediate concerns do not undermine the protection of future generations' long-term interests and that Scotland applies long-term thinking when scrutinising all policies.

Incorporating long-term goals and strategies in decision-making processes and institutional structures is vital to represent future generations' interests in policymaking. This means strengthening institutions across all governance levels – from local to national. The Scottish Parliament should create mechanisms to protect and include future generations' rights in every

¹ Graham Smith (2021) [Can democracy safeguard the future?](#), Polity.

² Andrea Westall (2023) [Exploring the tensions: The relationship between democracy and sustainable development](#), FSD.

aspect of policy development and implementation. The Bill's focus on the importance of public bodies considering the long-term impacts of policies is key to integrating wellbeing and sustainable development into daily and strategic decision-making processes.

Policymakers could consider creating cross-sector partnerships, such as a Bill Development Group, and an Early Adopters Group, to collectively develop the legislation. Adopting these inclusive structures will ensure that diverse perspectives inform the bill's development and implementation. This approach will build trust in the decision-making process and foster a stronger sense of support for, and ownership of, the legislation, which will be crucial for its successful implementation. Any Bill Development Group should be independently chaired, while the Early Adopters Group needs to involve public authorities themselves in more effectively preparing for the legislation's introduction and shaping its direction. Focusing on collaboration and groundwork early in the process will promote the best possible outcomes.

The architects of the Bill could also consider adapting the "[five ways of working](#)" from the Well-being of Future Generations (Wales) Act 2015 to the Scottish context. These guiding principles, designed for public bodies when making decisions that may impact future generations, encompass long-term thinking, prevention, integration, collaboration, and involvement. Incorporating similar ways of working within the legislation and in the legislative development process will ensure the Bill is developed in accordance with sustainable development principles while also involving all affected groups.

Q2. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively?

–Yes

The [Wellbeing of Future Generations \(Wales\) Act 2015](#) exemplifies the importance of incorporating wellbeing and sustainable development into national legislation. This groundbreaking legislation underscores the significance of protecting future generations' interests by offering a solid legal foundation, and hence societal and political permission, for long-term thinking and sustainable development. By putting Scotland's National Outcomes at its core, the proposed legislation can legitimately guide public bodies and stakeholders in their decision-making processes. Using legislation to ensure that Scotland's National Performance Framework accurately reflects progress towards national wellbeing is also essential. It will ensure mandatory reporting against national milestones and indicators.

Whilst we agree that the National Outcomes should be reviewed and revised through consultation, we suggest that there should be a more explicit requirement for public involvement at each review stage.

The current [consultation and call for evidence](#) on the National Outcomes could be more extensive regarding their approach to public participation. The proposed legislation should mandate public authorities to adopt more inclusive participation in decision-making processes. This is a crucial part of better addressing the needs of future generations and current generations and finding ways to negotiate between the two. By engaging a diverse range of stakeholders, including young people, the Bill can promote equity, effectiveness, and a shared understanding of the challenges – all of which are crucial in our increasingly fragmented times to enable a shared sense of vision and collective responsibility. The distinctive role of the commission or commissioner would also

facilitate an inclusive and transparent process to help balance any tensions and trade-offs among social, economic, and environmental objectives in the short and long term.

The Bill's architects should explore how the legislation can foster co-operation and co-ordination between different levels of government and stakeholders to achieve effective implementation, as well as how the legislation can best support ongoing efforts to integrate the Bill's principles into everyday decision-making. This collaboration and integration, as evidenced in the [annual reports](#) of the Future Generations Commissioner for Wales, are critical for achieving policy coherence across sectors, which is essential to enabling long-term and sustainable systemic change. Aligning short-term goals with long-term sustainability objectives will ensure more comprehensive, integrated, and forward-looking policies.

Legislation can also play a key role in mandating regular monitoring and reporting on progress towards Scotland's goals, ensuring transparency and accountability in the implementation process. Providing sufficient data on Scotland's progress towards the SDGs (both domestically and internationally) will empower people to hold the government to account whilst offering an information baseline and meaningful targets to inform policy and practice development by the government, the public, civil society, and business sectors. Therefore, the legislation presents an opportunity to improve Scotland's 'data infrastructure' by requiring reporting against Scotland's National Outcomes with new, enhanced, and robust data to measure wellbeing and sustainable development progress.

While legislation establishes the legal foundations for long-term thinking and sustainable development, additional factors are necessary to ensure its success. Communication and engagement strategies will be needed to ensure the Act's goals and principles are widely understood and embraced. Clear and consistent communication of policy goals and principles is vital to foster public and stakeholder understanding and engagement. Sufficient resources will also be necessary to embed the legislation's principles into everyday decision-making and support the Commissioner or Commission in effectively executing their functions.

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

—Fully supportive

We agree that 'wellbeing' should be defined in legislation and that the Bill should clearly define "national wellbeing" as distinct from individual wellbeing issues to avoid confusion. It is also important that the definition of national wellbeing is not purely subjective, such as measures relating to life satisfaction. It should also account for objective determinants of wellbeing, such as economic inequality, environmental conditions, and access to education, healthcare, and housing. Both objective and subjective determinants are essential to understanding and assessing overall wellbeing.

National wellbeing also needs to be defined in a way that connects with, or qualifies, current and future approaches to national and local statistics and their collection, for example, that of the Office for National Statistics (ONS), to allow for assessment, comparability, and accountability. There is a need to work with the ONS and the Scottish Government's Chief Statistician and Data Officer to further develop collective and subjective individual wellbeing measures, establishing baselines and tracking progress over time. Since wellbeing is still an area with a relative lack of clarity, this approach, done well, will also enable Scotland to lead in developing a clear and

comprehensive understanding of wellbeing, appropriately incorporating both objective determinants, such as inequality, and subjective experiences.

Any definition should also include dimensions of security, as well as vision or purpose. The latter helps create a more stable foundation on which Scotland and individuals can build their lives and future, connecting support for the wellbeing of future generations with current concerns.

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

–Fully supportive

The Wellbeing and Sustainable Development (Scotland) Bill must create and place in statute a new Commissioner or Commission to champion long-term and future generations' interests. This function should involve supporting and capacity-building democratically elected representatives, commissioning reviews, and convening discussions to create solutions to complex sustainability challenges. There is no existing body in Scotland that has the capacity or responsibility to take on this role.

To ensure that the most appropriate solution is developed within the context of Scotland, there should be an inclusive and deliberative approach to determining whether to establish a single Commissioner or a Commission, clearly addressing the advantages and disadvantages of each approach.

The establishment of such an institution is timely. The UN is focusing on future generations through a [Declaration on Future Generations and a Summit for the Future](#). These proposals would enable Scotland to be part of creating and leading the global momentum to further protect the rights and interests of future generations in decision-making processes at various levels of governance to champion transformational change. We agree that this institution should be independent of the Scottish Government and accountable to the Scottish Parliament. All parts of society must have trust in the institution, which requires strong systems and backstops to be in place to assure independence, such as an independent governance board, cross-party involvement in appointment, and annual reporting to the Scottish Parliament.

Central to the role of a commissioner or commission should be the following responsibilities:

- **Collaboration on long-term and cross-cutting issues:** Facilitate collaboration between different policy areas to avoid siloed approaches to sustainable development.
- **Capacity building and resources:** Provide essential resources, expertise, and capacity building to decision-makers, stakeholders, and communities to embed the legislation's principles in decision-making.
- **Balancing conflict and collaboration:** Manage the dynamics of collaboration for consensus-building and constructive conflict for innovation across Scottish public authorities and in partnership with civil society, the private sector, and other stakeholders.
- **Addressing tensions and trade-offs:** Promote an open, inclusive, and transparent process to manage tensions and trade-offs between social, economic, and environmental objectives, and diverse perspectives in decision-making.
- **Fostering learning and adaptation:** Facilitate ongoing monitoring, evaluation, and adaptation in response to new insights and changing circumstances, gathered from research, official data, and the inclusive participation of citizens
- **Advocating for future generations:** Ensure that the interests of future generations are represented and protected through institutional frameworks that hold decision-makers accountable for long-term implications.

- **Ensuring citizen participation:** Particularly involving young people and marginalised groups through consultations, hearings, or other participatory mechanisms, to ensure their voices are heard and considered.

Overall, we believe that Scotland should take immediate action to establish a Wellbeing and Sustainable Development or Future Generations Commissioner or Commission. This essential role will foster collaboration, build capacity, promote long-term thinking, and drive transformational change, ensuring a brighter future for generations to come.