

Scottish Community Alliance Response

Wellbeing and Sustainable Development (Scotland) Bill

1. Do you think that more needs to be done to embed sustainable development and wellbeing as primary considerations into public policymaking?

- Yes

Please tell us why.

We are strongly supportive of steps taken, particularly the development of the Bill, which aim to place sustainable development and wellbeing at the heart of public policymaking. While current policies suggest this approach is already in practice, the reality - both nationally and locally - is that decision-making often takes a short term view.

For a Wellbeing and Sustainable Development Act to have real impact, it must be designed to drive meaningful and lasting change, including a significant cultural shift within public authorities and the Scottish Government. Crucially, the legislation must be supported by robust powers and enforceable sanctions.

We also seek clarity and expect stronger alignment with existing and future policies and legislation, including the Local Governance Review, National Performance Framework, Community Wealth Building, National Strategy for Economic Transformation, National Planning Framework 4, and the Good Food Nation Plan, among others.

2. What is your view on the policy objectives of the Bill, as set out in the Policy Memorandum?

We do not have suggestions for specific amendments on the policy objectives themselves. However, we argue that a primary barrier to achieving the objectives of the proposed bill is not only legislative but cultural. Past experience indicates that introducing additional (often unfunded) responsibilities - without sanctions - is unlikely to deliver the desired outcomes.

A credible path toward a wellbeing and sustainable development society must be clearly articulated. This includes not only outlining long-term goals but also providing a transparent appraisal of the key challenges that need to be addressed.

3. Which of the following best expresses your view on section 1, which requires public bodies to have due regard for the need to promote wellbeing and sustainable development?

- Support

Please provide reasons.

We support the view that public bodies should promote wellbeing and sustainable development. However, we would welcome stronger language that clearly states, “*public bodies have a duty to*”, rather than more ambiguous wording. While we recognise that such language may have legal implications, experience has shown that terms like “due regard” can be interpreted and applied inconsistently.

We would also like to see additional reference to the responsibilities of public sector leaders, emphasising their accountability for driving progress and ensuring commitments are followed through.

4. What is your view on the definition of “public body” (in section 17(2))?

Section 17(2) of the Bill

For the purposes of this Act (unless the context otherwise requires), a reference to a “public body”—

(a) includes a reference to—

(i) a Scottish public authority, and

(ii) so far as not falling within sub-paragraph (i), a cross-border public authority, (but only in relation to functions exercisable in or as regards Scotland which do not relate to reserved matters), but

(b) does not include any court or tribunal or body exercising the judicial power of the state.

Please provide your response.

We recommend this includes the Scottish Government. It would also be helpful to publish a list of the public bodies to which the duties would apply.

Additionally, we suggest these duties be extended to cover services procured by public bodies.

5. Is there a need for statutory definitions of wellbeing, and sustainable development?

- Yes

We believe that strong and clear definitions are essential to ensure effectiveness and reduce the risk of misinterpretation or challenge.

6. What is your view on the definition of “sustainable development” (in section 2)?

Section 2 of the Bill

“Sustainable development” is development that improves wellbeing in the present without compromising the wellbeing of future generations.

Please provide your response.

We have no further suggestions to this definition.

7. What is your view on the definition of “wellbeing” (in section 3)?

Section 3(1) of the Bill

“Wellbeing” means the ability of individuals, families and other groups within society to enjoy—

- (a) personal dignity, including respect for their choices and beliefs,
- (b) freedom from fear, oppression, abuse and neglect,
- (c) good physical, mental and emotional health,
- (d) participation in meaningful activity including work, education, training and recreation,
- (e) an adequate standard of living including suitable and affordable accommodation, food, clothes and energy, access to the natural environment for health, leisure and relaxation.

Please provide your response.

We ask that community resilience be included within the definition. We also note that aspects of the definition align with the call for the right to food and the right to a health environment – both which we would support inclusion in any forthcoming Human Rights Bill.

8. Which of the following best expresses your view on section 4, which establishes a Future Generations Commissioner?

- Strongly support

Please provide the reasons for your response.

We maintain that the effectiveness of this role will largely depend on the level of independence granted to the Commissioner and the extent of their authority to hold public bodies and Ministers accountable.

The Commissioner should be accountable to the Scottish Parliament for complete independence.

To ensure meaningful accountability and scrutiny, the Commissioner must be empowered and resourced to investigate and challenge public authorities, including Ministers, across all levels, encompassing oversight of the budget and the Programme for Government.

Given potential for overlap and to help ease financial pressures, it would be feasible to review the current commissioners to explore opportunities for merging roles or consolidating back-office functions.

9. Do you have views on the general function (as set out in section 5), powers, structure, and duties of the Commissioner?

Please provide your response.

The remit of the Commissioner for Future Generations should go beyond simply overseeing what the Government and public authorities do (or plan to do). It should also include addressing major policy omissions - areas where action could be taken but the Government or public bodies has not done so, for whatever reason.

In Section 5, 2(b) General Function, we request that the guidance includes a clear review timeline, such as once every parliamentary term, instead of the phrase “from time to time.”

Additionally, we seek clarification on the powers the Commissioner would have to hold public sector bodies accountable and ensure any recommendations are implemented.

We would also ask that the Commissioner’s role in horizon planning to be clearly defined, including what authority they would have to influence future policy adaptation and implementation.

As mentioned earlier, we would like to see specific guidance directed at the leadership of public bodies.

Finally, we ask for transparency on how communities can participate in the Commissioner’s work and provide input including how communities can raise concerns.

10. Taking account of the Bill’s Financial Memorandum, what is your view on the financial implications (i.e. likely costs and savings) of the Bill?

Please provide your response.

We recognise that this development carries financial implications, however, cost should not be a barrier to pursuing this policy. With a strong focus on prevention - the costs of inaction are likely to be far higher.

As mentioned before, merging roles or back office functions with other commissioners to improve efficiency could be explored.

11. Do you have any other comments about the Bill?

Please provide your response.

As with all policy developments, we believe that to ensure this is truly effective the experience and expertise of communities need to be recognised alongside sustainable investment.

We would advocate that learning and experience from Wales are considered as part of this critical legislative development.