

Response ID ANON-J3UA-7AGD-P

Submitted to Wellbeing and Sustainable Development (Scotland) Bill
Submitted on 2024-02-14 10:16:54

Defining wellbeing

1 Is a statutory definition of 'wellbeing' required?

Yes

2 Do you have any views on how 'wellbeing' can be clearly defined in legislation?

Please use this space to provide your views.:

A legal definition of wellbeing is vital in order to provide greater clarity and specificity around public sector duties and to help to improve accountability. It is also important for setting out the overarching goals we expect the government to deliver.

It is important that the definition of wellbeing is complementary and overlapping with the definition of sustainable development to avoid any potential conflicts.

This Bill is not just about people in Scotland and it is not just about future generations, so when we talk about the need for 'people to meet their needs', this must mean people here and elsewhere, and now as well as in the future.

A definition should also be built on the principles of equity, long-termism and citizen engagement.

We therefore support the definition proposed by the Wellbeing Economy Alliance and Carnegie UK: "Collective wellbeing is the progressive realisation of social, economic, environmental and democratic outcomes which enable people to meet their needs, as identified through consultation with the people of Scotland, pursued in a way that reduces inequalities in wellbeing between different groups. It also recognises the importance of protecting the interests and needs of future generations and fostering intergenerational equity."

We also agree that understanding wellbeing does not stop with a definition and it is important to locate it in time and place. That means governments engaging citizens in a conversation about what matters to them, and using this to inform their wellbeing goals. In order to understand wellbeing, it is also critical that citizen engagement has depth and breadth, and that it represents a diversity of voices including those who are further away from policy making processes, and that it has a tangible influence on decision-making.

In Scotland, we capture our wellbeing goals in the form of our National Outcomes, which is why we want to see the National Outcomes transposed from the Community Empowerment (Scotland) Act 2015 to the Wellbeing and Sustainable Development Bill.

Defining sustainable development

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

Yes

4 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

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

Please use this space to provide your views.:

A clear and rigorous definition of sustainable development should be set out. As we have argued (see: Full research for report Towards a Wellbeing and Sustainable Development (Scotland) Bill - Scotland's International Development Alliance (intdevalliance.scot)), a clear definition will provide clarity and support accountability, given that there are already a number of references to sustainable development in existing legislation.

Any definition should acknowledge the impact of our decisions beyond Scotland's borders. As global challenges mount, with multiple intersecting crises, we need to take into account the connection between how our systems and decision-making impact upon poverty, inequality, the ecological and climate crises. We cannot consider our consumption habits, fossil fuel dependency and economic decisions in isolation from what happens elsewhere.

In the 2021-22 Programme for Government, the Scottish Government included a Wellbeing & Sustainable Development Bill with a commitment to "putting duties on public bodies and local government to take account of the impact of their decisions on sustainable development, in Scotland and internationally". In fact, this commitment was placed in the 'Scotland in the World' chapter. We are concerned to see that this global element has been lost from proposed definitions in this consultation document. We urge the Scottish Government to be explicit in acknowledging our aspiration to be a responsible global citizen.

We propose an expanded definition to the one presented, that takes into account that sustainable development does not just concern future

generations, but also wellbeing and equity now, in Scotland and globally. Any definition of sustainable development adopted in the Bill should explicitly link present and future generations. We also suggest referencing planetary boundaries as a more up-to-date and measurable framework for defining environmental sustainability and safeguarding future generations.

Our proposed definition:

□ "Sustainable Development can be defined as 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."

Supporting principles

Key principles to elaborate this definition could be added. We consider the following to be useful:

- 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 together to achieve sustainable development.
- It might be that other principles reflecting Scotland's specific context, e.g. regarding language and culture, could also be included.

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, in order to improve delivery.

Defining policy coherence for sustainable development

In order to ensure that domestic and international policy coherence for sustainable development is understood and implemented as a core principle of sustainable development, as listed under the definition of sustainable development, we also propose it should be clearly defined, in the Bill as follows: Policy coherence is the consistency of public policy, whereby:

- no policy undermines any other policy
- 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.

Whilst we believe it is necessary to define sustainable development in law, we are not wedded to this term being included in the title of the legislation. There is a strong case for using the term 'Future Generations' which would clearly link the Act with the Commissioner, potentially inspire more widespread understanding and support, and avoid the duties of the Act being implemented by silo-ed sustainability staff/departments.

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

Please use this space to provide your views.:

The Bill could trigger a step change that ensures sustainable development and wellbeing become the unequivocal drivers of policy and practice across public life in Scotland.

The Bill would naturally link with the National Outcomes in the National Performance Framework, which is Scotland's wellbeing framework and the way we measure progress towards the Sustainable Development Goals.

This legislation also provides an opportunity to put primary prevention (stopping problems from happening in the first place) at the forefront of decision making, protecting the health, economic and social wellbeing of future generations, and the sustainability of our environment and public services for all.

We believe that the Bill has the potential to help Scotland tackle a wide range of wellbeing issues and challenges, for example it could:

- Provide 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.

- Tackle the nature & climate crisis

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.

- Support a global outlook

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.

- Encourage efficiency towards achieving Sustainable Development Goals

The legislation would assist in setting objectives towards achieving all the SDGs, and the linked National Outcomes, equally and ensuring that doing so impacts positively on communities and people's wellbeing and the environment here in Scotland and globally. The legislation should ensure that all public bodies are working towards all of the outcomes, not just a select few.

7 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?

Please use this space to provide your views.:

Having a clear definition of 'sustainable development' does not necessarily mean introducing a new duty or concept, but rather properly defining what is already in place across other legislation, in order to improve delivery.

As we outlined in our report, there is already a significant body of Scottish Parliament legislation which includes provisions for sustainable development. Due to an active stakeholder lobby for SD in Scotland, as well as (varying) support from each Scottish Government to date, analysis conducted for our paper suggests that 10%- 11% of Acts of the Scottish Parliament contain explicit SD clauses. This proportion has remained consistent since 2014. By November 2021, we found 37 very varied Acts, made over two decades, which provide for a wide range of SD functions, including:

- Setting out SD as an overarching aim, purpose or function, e.g. the National Parks (Scotland) Act 2000.
- Conferring SD duties on Scottish public bodies, e.g. the Water Industry (Scotland) Act 2002.
- Providing for Scottish Ministers to make pro-SD regulations, e.g. the Building (Scotland) Act 2003.
- Awarding powers to a body, so that it can intervene in a decision that would affect, adversely, SD, e.g. the Crofting Reform etc. (Scotland) Act 2007.
- Requiring Scottish Ministers to make plans for SD, e.g. the Marine (Scotland) Act 2010.
- Requiring pro-SD guidance and codes of practice, e.g. the Wildlife & Natural Environment (Scotland) Act 2011.
- Requiring certain pro-SD targets to be set, e.g. the Climate Change (Emissions Reduction Targets) (Scotland) 2019 Act.
- Requiring reporting on SD, e.g. the Scottish National Investment Bank Act 2020.

One of the key problems with SD clauses is that there may be conflicts with other statutory and policy requirements.

One stakeholder informed us that "most organisations have heaps of duties placed upon them, and can ultimately pick and choose on which ones they give emphasis to." Another is that the concept of sustainable development is interpreted in different ways, and efforts to enshrine a single definition of SD in legislation has been resisted over the last two decades. This means that these clauses are not as effective as they could be. Without a clear definition, there is no shared understanding of SD, making this concept difficult to understand and apply, and also difficult to hold duty-bearers accountable on any aspect of it.

In particular, the WSD Bill could strengthen the existing duty in the Climate Change (Scotland) Act 2009 which requires all Scottish public bodies to, in exercising their functions, act in the way they consider 'most sustainable'. This existing duty has been shown to be not well-implemented, possibly due to the wording of the Act and a lack of parallel capacity building, support and accountability requirements.

Public authorities would be better able mainstream sustainable development, as defined in the WSD Bill, by amending Section 44 of the Climate Change Act 2009 to include references to 'sustainable development' and a new clause which serves to resolve existing conflicts in public authorities' statutory duties. For example, a clause after 44(1), stating that 'where the implementation of any other statutory duty appears to conflict with 44(1)(c), a transparent resolution must be sought with regard to policy coherence for sustainable development as defined in the Wellbeing and Sustainable Development (Scotland) Act 202X'.

Similar to 'sustainable development', the term 'wellbeing' occurs in 40 Acts of the Scottish Parliament (almost 12%) in a variety of contexts. Again, 'wellbeing' is a term which is open to widely varying interpretation. Wellbeing clauses in Scottish legislation often relate to SD. For example, under the Procurement Reform (Scotland) Act 2014, a 'contracting authority' must comply with the sustainable procurement duty to consider how it can "improve the economic, social, and environmental wellbeing of the authority's area".

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. 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.

Strengthening duties for the National Outcomes and sustainable development

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

Please use this space to provide your views.:

The National Outcomes, currently set out in the National Performance Framework, are the key to translating the overarching goals of sustainable development and wellbeing into concrete outcomes for Scotland. Evidence (Finance and Public Administration Committee, 2022. Report on the National Performance Framework: Ambitions into Action. Scottish Parliament) suggests that the existing duty on public authorities to "have regard to the National Outcomes" in the Community Empowerment (Scotland) Act 2015 is not strong enough to deliver their ambition.

As such, 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.

We propose to rephrase the duty 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.”

Duties relating to the National Outcomes, in Part 1 of the Community Empowerment (Scotland) Act 2015, should be relocated into the WSD Bill, and be amended in order to support a more unified approach to delivering the National Outcomes and to support greater clarity over the contribution made by different actors towards the delivery of all of the National Outcomes, as a complete wellbeing framework, rather than particular National Outcomes in isolation.

Legal duties in the Bill should be defined in a way that does not add unnecessary extra reporting requirements on public authorities, and instead, in a way that strengthens, clarifies and streamlines existing duties around sustainable development, wellbeing and the National Outcomes.

To help narrow the well-documented implementation gap in the delivery of the National Outcomes, the Bill could provide additional requirements for public authorities to “regularly publish how they contribute to each of the National Outcomes” and “set out how they support a coherent approach to delivering sustainable development and wellbeing” as defined in the Bill.

Crucially, these latter requirements would require guidance and support to be provided to public authorities to minimise increased reporting burdens and to ensure meaningful engagement with the National Outcomes. This should be provided by a Commissioner.

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

Areas of decision making to include::

Excluding different areas of decision making from the Bill would threaten the coherence and clarity of the legislation and impede effective implementation.

We consider that the purpose of the Bill is to define wellbeing and sustainable development, as expressed in the National Outcomes, as an overarching vision for decision making in Scotland and to create the necessary institutions and processes that allow decision makers to pursue these goals in a joined-up and holistic manner. It is therefore important that the Bill covers all areas of decision making.

Moreover, excluding certain areas of decision making would undermine the holistic definitions of both sustainable development and wellbeing as we have laid out and the corresponding need to achieve better policy coherence across government in pursuit of the National Outcomes, wellbeing and sustainable development.

Areas of decision making to exclude::

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

Please use this space to provide your views.:

It is important to accompany strengthened duties with a comprehensive support ecosystem to aid public authorities in implementation, emphasising the ‘how’.

The other parts of the proposed Bill are an important part of this support ecosystem, including clear definitions, ways of working and a Future Generations Commissioner that can hold public authorities accountable, provide support and build capacity.

One of the potential challenges of making the Bill effective is the additional strain it might put on the stretched capacity of the public bodies subject to the strengthened duties proposed in the Bill. However, it is important that the Bill does bring about changes to how public bodies see the National Outcomes, sustainable development and wellbeing. In this sense, the Bill should seek to embed new ways of working, thinking and reporting by public bodies in Scotland that encourages more joined-up processes and coherence towards the goals of wellbeing and sustainable development. While these changes are crucial, they will not be achieved if duties are not accompanied with the relevant support, training and guidance for public bodies.

Therefore, it is important that the Bill goes beyond simply imposing duties and puts in place a support ecosystem built on the other parts of the legislation working together.

This includes:

- Defining wellbeing and sustainable development to clearly set out the ultimate outcomes and priorities that are being sought.
- Provide guidance on how to resolve trade-offs with existing duties or between different National Outcomes by establishing a clear definition of policy coherence for sustainable development.
- Defining ways of working to establish a coherent approach to pursuing the duties and outcomes set in the Bill, supported by detailed guidance on how to implement those ways of working in different contexts.
- Creating an independent ‘Future Generations Commissioner’ with the capacity to offer support to public bodies, to build capacity, to provide scrutiny and to provide a forum for sharing learning across the public sector.

Given the complexity of implementing policy coherence for sustainable development in practice, and the likelihood that public bodies will have to shift to new ways of working and thinking, a capability-maturity approach as used by Adaptation Scotland seems well suited to the WSD Bill in terms of providing public bodies with a step-by-step process of change.

Duty-bearers could be supported by new bodies, or existing bodies such as the Sustainable Scotland Network, which might be well placed to take on these additional roles. The latter would be particularly useful in the context of creating more synergies across policy domains and lowering the burden on public bodies if the reporting can also be integrated with existing systems and reports.

Given the inextricable link between the Bill and the National Outcomes, the timing of the Outcomes review should be aligned with the Bill development.

The Bill should be the vision for a Scotland that prioritises wellbeing and sustainable development, with the Outcomes defining the goals to achieve this and identifying corresponding indicators. We believe that there is a strong case to delay defining new outcomes until this draft Bill is presented to parliament. As we have explained in our response to the National Outcomes review, the indicators to measure Scotland's International Outcome do little to take into account the impact of decisions outside of Scotland's borders and we have proposed more meaningful and robust ways of doing this.

Clarifying to whom the duties apply

11 Should any duty apply to the Scottish Government?

Please use this space to provide your views.:

Yes, it is important that duties apply to the Scottish Government as well as public bodies.

The Bill should build on, and strengthen, current duties on Scottish Ministers to take account of, and effectively work towards, wellbeing, sustainable development, and the delivery of the National Outcomes.

These duties should include requirements for the Scottish Government to report more regularly, at least biennially, and to publish delivery plans for how they will work towards the National Outcomes.

Duties on the Scottish Government should help ensure that the National Outcomes, and broader 'National Wellbeing Framework' in which they sit, becomes a roadmap, rather than a vision, for the Scotland we want to see.

To strengthen the duties on the Scottish Government, we propose this Bill should amend duties in relation to the National Outcomes that the existing Community Empowerment (Scotland) Act 2015 has conferred on Scottish Ministers, so that:

- Scottish Ministers will be required to produce a framework for the delivery/implementation of National Outcomes
- Scottish Ministers will be required to report on the delivery of National Outcomes annually.
- When Scottish Ministers are setting new National Outcomes, or revising existing ones, they will have to support meaningful public participation. Specifically, clauses around engagement should require 'participation' rather than 'consultation'.
- When Scottish Ministers set new National Outcomes, they must be able to show how they will support wellbeing, Sustainable Development and PCSD.
- Before Scottish Ministers set new, or revise existing, National Outcomes, the Parliament will have to be allowed 90 days to scrutinise draft versions.

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

Please use this space to provide your views.:

The purpose of the Bill is to define wellbeing and sustainable development, as expressed in the National Outcomes, as overarching goals of decision making in Scotland, so it is important the duty should apply across all public bodies in Scotland including Scottish ministers.

Defining ways of working

13 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?

Please use this space to provide your views.:

We agree that it is important to establish better ways of reporting progress against the achievement of wellbeing outcomes and sustainable development, as captured in the National Outcomes, in order to aid accountability and learning. We propose a combination of different ways in which this can be achieved.

Firstly, as set out in our answer to Question 11, Ministers should be required to report more regularly on the progress towards the National Outcomes to Parliament. Parliament should be given ample time to scrutinise these reports. We suggest that such reports should be made at least biannually. We consider that such reporting to Parliament constitutes the minimum level of scrutiny provided by Parliament. In other countries dedicated parliamentary committees play an important role in reporting against achievement of wellbeing outcomes and the sustainable development goals. Even though the Bill cannot establish such committees such options should be explored further.

Secondly, we consider it important to complement Government reporting with an institution capable of providing independent assessments of Scotland's progress towards wellbeing and sustainability development. For example this could take the shape of regular reports setting out historic progress against the National Outcomes and assessing the likelihood of future progress, similar to the reports produced by the Scottish Fiscal Commission. Our preferred option for providing this type of scrutiny would be the establishment of a Future Generations Commissioner.

The current set of indicators associated with the National Performance Framework and the Wellbeing Economy monitor can provide a good starting point for this kind of reporting. However, the reporting needs to be made more coherent and digestible, including more timely data.

14 What additional steps are needed to ensure collaboration and working across boundaries?

Please use this space to provide your views.:

Defining 'policy coherence for sustainable development' is key for ensuring a coherent approach to policy making in Scotland – see our answer to Question 5 for a proposed definition.

Further defining some high-level 'ways of working' in the legislation would help public bodies to implement the strengthened duties in a way and support a coherent and collaborative implementation across the public sector in Scotland. These high-level 'ways of working' should be supported by more detailed guidance.

We believe that the definition of 'ways of working' has to be a key part of this support, and has been one of the key drivers of success of the Future Generations (Wales) Act 2015. It would therefore be beneficial to define a small number of core ways of working in the legislation, but complement these with more detailed guidance and support in other formats. Setting out those core ways of working will help public bodies to adhere to the new duties, it will help to streamline new duties with existing ones and it will ensure coherence in how the new duties will be implemented across Scotland.

We believe that a combination of defining ways of working in legislation and more detailed non-legislative guidance will be the most effective combination to allow both for stability over time and the flexibility to them over time. We believe that the ways of working will be less effective if they are solely set out in guidance, because there is a risk that they will be changed too frequently.

The proposed Future Generations Commissioner can play an important role in providing the support including the development of more detailed guidance on the ways of working. Public bodies can also be supported around implementation 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.

Our proposed 'ways of working'

- participation: recognising that everyone in society has a role to play and actively engaging quiet voices that often go unheard
- integration: achieving policy coherence for sustainable development by aligning public bodies' efforts, collaborating and committing to shared learning
- long-term: balancing the needs of today with those of future generations
- global citizenship: considering the impact of our decisions and doing no harm internationally
- prevention: focusing on early action rather than just reacting to problems
- openness: enabling engagement and accountability through openness and transparency, and being open to share and learn from mistakes
- evidence-based: making decisions based on the best evidence available

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

Please use this space to provide your views.:

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

Please use this space to provide your views.:

Determining an approach to future generations

17 Should Scotland establish an independent Commissioner for Future Generations?

Yes

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

Please use this space to provide your views.:

There are a number of important ways in which an independent Commissioner for Future Generations could increase accountability, scrutiny and support for decision making. These roles can be written into the text of the Bill, together defining the powers and responsibilities of the Commissioner role:

- Capacity building 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.
- Monitoring the implementation of that duty through scrutiny and investigative powers
- Assessing delivery of the National Outcomes for domestic and international PCSD
- Carrying out research and providing advice to the Scottish Government
- Develop mechanisms to support public participation in scrutiny and decision-making for wellbeing, sustainable development and domestic and international PCSD

Important considerations for the role include:

- Effective accountability is guaranteed by specifying who is accountable, to whom, in respect of what responsibilities, and with what potential sanction.
- The WSD Bill must consider all these elements, making clear who (all Scottish public bodies) have what responsibilities (e.g. to act or report in ways consonant with wellbeing and sustainable development objectives) to be assessed by the Commissioner through what mechanisms – (e.g. key reports sent to Commissioner for approval; Commissioner empowered to demand responses; Commissioner's assessment to be tabled in parliament).
- To ensure support for decision-making, the Bill could make it mandatory for key decisions (e.g. laws, budgets) to be presented for consideration by the Commissioner and the assessment and recommendations made public.
- The Commissioner should have 'active', investigate powers (and matching capacity). The strongest Commissioner has the mandate and capacity to investigate, but evidence from other countries suggests the Commissioner must be widely perceived as legitimate for this role to be sustained.
- The Commissioner has a role in wider thought leadership, developing the understanding of wellbeing and sustainable development in Scotland, advising informally and creating resources that support public bodies in carrying out their duties, and in developing governance infrastructure and

multi-stakeholder partnerships around wellbeing and sustainable development over time.

We also outline some key reasons why we 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:

- Public bodies must be fully supported to understand, and then successfully implement, the new 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.
- 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 in the democratic processes of Scotland.
- The creation of a new Commissioner would also 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.
- Aligning all decision making with the goals of achieving sustainable development and wellbeing and the national outcomes can be a challenging task for public bodies. To be successful it will require support, guidance, as well as the collaborative testing and knowledge sharing of new approaches. Adequately resourced, the Commissioner will be important to provide this support and guidance and facilitate knowledge sharing. This will not only be useful for potential new duties within this bill, but will also help public bodies with delivering already existing duties on sustainable development.
- 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 and is creating the conditions for future generations to flourish. An important role of the Commissioner will be to hold public bodies to account for working towards these goals effectively.

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

Please use this space to provide your views.:

Given Scotland already has a number of existing Commissioners, it may be possible to adapt the functions of some of these to cover some elements of wellbeing and sustainable development accountability. However, no existing Commissioner, or 'patchwork' of Commissioners, could do this without (i) significant changes to their remit and (ii) additional resource.

The majority of proposed new Commissioners are human rights-based. A Commissioner with a sustainable development remit would require a holistic scientific approach which is evidence based and goes beyond a human rights perspective. The planet has rights too, and this is not centred in human rights discussions.

The Scottish Human Rights Commission proposal has mistakenly grouped the call for a Wellbeing & Sustainable Development (Future Generations) Commissioner in with other proposals which are centred on the rights of specific groups. Sustainable development is about the survival and wellbeing of humanity through social-ecological harmony and would not be fully serviced by a human rights body.

If resources and costs are a concern, it is important to note that alternative approaches would involve resourcing demands. The capacity to undertake scrutiny; support and learning resource development; promotion or voice for this agenda, all come with resource implications regardless of the institutional form they take. Likewise, accountability and system change must involve the creation or transfer of authority, agency, and capacity within the Scottish political system. How far resource and power are to be put behind the wellbeing and sustainable development agenda, in whatever form, should be a key metric for judging the success of the Bill.

About you

20 What is your name?

Name:

Louise Davies

21 Are you responding as an individual or an organisation?

Organisation

22 What is your organisation?

Organisation:

Scotland's International Development Alliance

23 The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)

24 Do you consent to Scottish Government contacting you again in relation to this consultation exercise?

Yes

25 What is your email address?

Email:
louise@intdevalliance.scot

26 I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy.

I consent

Evaluation

27 Please help us improve our consultations by answering the questions below. (Responses to the evaluation will not be published.)

Matrix 1 - How satisfied were you with this consultation?:

Slightly satisfied

Please enter comments here.:

Matrix 1 - How would you rate your satisfaction with using this platform (Citizen Space) to respond to this consultation?:

Very satisfied

Please enter comments here.: