

A Wellbeing and Sustainable Development Bill for Scotland

A briefing prepared by the Wellbeing Economy Alliance Scotland, Carnegie UK, Oxfam Scotland and Scotland's International Development Alliance, June 2024.

Summary

We are calling for wellbeing and sustainable development to be put at the very heart of public policy making in Scotland through new legislation. A Private Members Bill and proposals for potential Scottish Government legislation are currently being considered. This briefing outlines the focus of this potential legislation and the key elements required to make it effective.

The Wellbeing and Sustainable Development Bill is a unique opportunity to pass world leading legislation that embeds a long term and preventative approach to public policy, and ensures the National Outcomes and the framework they sit in becomes a road map for a future where everyone can thrive. The legislation will be crucial to inspire new ways of thinking and working to tackle the urgent and interconnected challenges Scotland is facing, from poverty to climate change and from housing to social care.

To make the Bill work effectively will require a number of interconnected elements:

- clear **definitions** of 'wellbeing' and 'sustainable development';
- a **stronger legal basis for the National Outcomes** including a more participatory process for establishing them and stronger legal duties to work towards their delivery;
- support for **collaborative and preventative ways of working**;
- The creation and resourcing of an independent **Future Generations Commissioner** to provide scrutiny and guidance.

The transformational potential of the Bill lies in the interaction between these components and the Bill will fail to reach its potential if it does not make clear provisions for each of these elements.

Figure 1 sets out how these components of the proposed Bill interconnect, and the distinct role of the Commissioner in providing scrutiny and support.



Figure 1: The key elements of the proposed Wellbeing & Sustainable Development Bill.¹

Why we need the Bill

The aim of the Bill is 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 area.²

Scotland faces a series of persistent and worsening challenges. Too many people are unable to thrive and live the lives they want to. The latest poverty statistics published

¹ Carnegie UK and WEAll Scotland, 2024. [Scotland's Wellbeing and Sustainable Development Bill](#).

² Scotland's International Development Alliance, 2022. [Towards a Wellbeing and Sustainable Development \(Scotland\) Bill](#).

in March 2024 show that progress to reduce high levels of poverty has stalled³ and the Scottish Government's child poverty targets are likely to be missed. They also show deep inequalities, with particularly high poverty rates for particular groups, such as for black people or people of mixed race, single women with children, and people living in a household where someone has a disability.

At the same time, Scotland has lost credibility in its commitment to tackle the climate and nature emergencies with the recent abandonment of our legal 2030 and annual emissions reduction targets following the Climate Change Committee's latest assessment of Scotland's progress.⁴ The abject failure to make sufficient progress to date means Scotland continues to fuel increasing impacts of extreme weather events and puts the livelihoods of our children and future generations, here and around the world, more at risk.

And these are only two of the many pressing and interconnected challenges Scotland is facing, with life expectancy falling for those on lower incomes,⁵ biodiversity in crisis, economic, gender and other inequalities remaining unsustainably high, and an increasingly unaffordable cost of living.

Effective actions to tackle these challenges are hampered by the lack of a shared underlying narrative for progress, with a number of competing and conflicting narratives sowing confusion. The National Performance Framework is meant to set out overarching goals: a vision for Scotland. But it is only seen as one framework amongst many and does not yet present the "golden thread, from which all other frameworks and plans flow."⁶ And despite numerous reports and commissions recommending public sector reforms, not least the Christie Commission,⁷ the public sector in Scotland has made only limited progress to implementing participatory, collaborative and preventative ways of working across all of its activities.

The current pervasive focus on economic growth at all costs, measured by GDP, as the main driver for public policy, with wholly insufficient focus on its quality or who benefits from it, is misguided and can be harmful to people and planet, both now and in the future. People with the least access to resources - often in other parts of the world, but also here in Scotland - experience such harms most keenly, while attempts to

³ Scottish Government, 2024. [Poverty and Inequality in Scotland 2020-2023](#).

⁴ Oxfam, 2024. [Inadequate climate action helped fuel Scotland's political turmoil. Here's how credibility can be rebuilt](#).

⁵ McCartney, G, et al. 2022. [Resetting the course for population health: evidence and recommendations to address stalled mortality improvements in Scotland and the rest of the UK](#). Glasgow; Glasgow Centre for Population Health/University of Glasgow

⁶ Finance and Public Administration Committee, 2022. [Report on the National Performance Framework: Ambitions into Action](#). The Scottish Parliament.

⁷ [Commission on the Future Delivery of Public Services](#), 2011.

ameliorate those harms after they have occurred are often only partially possible, inadequate, and may come with high price tags.

These ongoing environmental, political, economic and social crises show that short-term, uncoordinated and often under-funded policy responses are insufficient to navigate an increasingly unpredictable world. We need a structured approach to delivering consistent and coherent policy development and implementation aimed at delivering a Wellbeing Economy.

A key underpinning of this change will be dedicated legislation.

Scotland is not alone in facing these challenges. Such legislation in Scotland would build on successful legislation in other parts of the world, such as the Wellbeing of Future Generations (Wales) Act 2015.⁸ It would also link with the current process of the UN Summit for the Future taking place on 22-23 September 2024 and the proposed UN Declaration on Future Generations at the United Nations.⁹

Legislative context

Several Scottish political parties' manifestos for the 2021 election of the Scottish Parliament included pledges to progress Wellbeing and Sustainable Development legislation.¹⁰

Since then, a Private Member's Bill on wellbeing and sustainable development was introduced by Sarah Boyack MSP in November 2023 and has received significant cross-party support.¹¹

The aim of the Private Member's Bill is to create:

- a clear and shared narrative of progress for Scotland beyond GDP; and
- an overarching structure for decision making and accountability that supports and encourages public bodies, and other organisations, to work collaboratively and coherently towards the aims of that narrative.

The Scottish Government also committed to introduce legislation in its 2021-22 Programme for Government¹² and has recently consulted on a range of proposals including:¹³

⁸ Welsh Government. [Well-being of Future Generations \(Wales\) Act 2015: the essentials](#)

⁹ United Nations. [Summit for the Future: Multilateral solutions for a Better Tomorrow](#).

¹⁰ [SNP 2021- Manifesto](#) April 2021; [Scottish Labour's National Recovery Plan](#) 2021; [Scottish Liberal Democrats - Put Recovery First](#) 2021;

¹¹ Scottish Parliament, [Proposed Wellbeing and Sustainable Development \(Scotland\) Bill](#)

¹² Scottish Government, 2021, [Chapter 6: Scotland in the World - Programme for Government 2021 to 2022 - gov.scot](#), P110

¹³ Scottish Government, 2023. [Wellbeing and Sustainable Development Bill- consultation](#)

- establishing clear and robust definitions for both wellbeing and sustainable development;
- clarifying and strengthening public duties related to these and the delivery of National Outcomes;
- developing structures and processes to ensure adequate accountability and scrutiny and to support public bodies working together;
- the creation of a Future Generations Commissioner.

The time scales for the introduction of both the Private Member’s Bill and the Scottish Government timescales are as yet unclear.

This legislation can be the catalyst that ensures wellbeing and sustainable development become the unequivocal drivers of policy and practice across public life in Scotland, and see Scotland become a leader in this progressive movement to change how economies are targeted.

What is needed to make the legislation work?

There are a number of elements required to effectively deliver a Wellbeing Economy and some go beyond the scope of this Bill. Nonetheless, many key areas are reflected in the different sections of the Scottish Government’s consultation and the Private Member’s Bill. While all of the elements are important in their own right, the legislation will only be successful if it includes all of the elements outlined below and details how they will work together.

Definitions

Clear and coherent definitions of wellbeing and sustainable development are key for setting the overarching goals we want to achieve as a society. These definitions must be debated and agreed with parliament as part of the legislative process.

References to both **wellbeing and sustainable development** already exist in Scottish legislation. However, these concepts are not defined which creates ambiguity and uncertainty, and prevents their effective implementation.

The two concepts are overlapping and complementary, with collective wellbeing setting out what we want to achieve to enable everyone to have a good life and sustainable development emphasising the need to work towards these goals within planetary boundaries and in a way that is collaborative, coherent, increases equity and considers the interests of future generations, people elsewhere and not just in Scotland.

We propose the following definitions:

*“**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.”*

*“**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.”*

National Outcomes/ Public Duties

A key goal of the legislation must be to strengthen and streamline public duties to promote the National Outcomes, and to ensure that the outcomes are developed in a more democratic way.

The **National Outcomes**, as currently set out in the National Performance Framework, detail the outcomes we want to achieve to realise the ambition of collective wellbeing in Scotland. They are also intended to be Scotland’s delivery mechanism for the UN Sustainable Development Goals (SDGs). They come with **legal duties for public bodies** to “have regard” to the implementation of these outcomes.

However, the existing duties are too weak to establish the National Outcomes as key drivers of decision making. The duties are also not streamlined with other duties creating a complicated, and sometimes contradictory, landscape of duties for public bodies. This is unhelpful both for public bodies and for the advancement of a Wellbeing Economy.

It's also the case that the Outcomes are currently not developed based on strong participatory processes. Such processes are vital if they are to be made to reflect and secure a democratic mandate. A key goal of the legislation must be to ensure that the National Outcomes are developed and shaped using a deliberative participatory process that has both breadth and depth.

Ways of working and a future generations approach

Legislation must aid such a transformation by defining 'policy coherence for sustainable development' and setting out high level 'ways of working' which should be facilitated by comprehensive support, training and toolkits for the public bodies tasked with implementation.

Setting outcomes and duties alone will not be enough. To achieve collective wellbeing in a way that is sustainable requires a **future generations approach** and different ways of working for public bodies and beyond.

We need to work in a way that is based on evidence and long-term thinking, is collaborative, can effectively identify and resolve trade-offs and deal with complexity, and which considers global impacts.

We proposed to include the following ways of working in the legislation:

- **participation:** recognising that everyone in society has a role to play and actively engaging 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:** proactively considering the full range of impacts resulting from our decisions and actions, and - at a minimum - doing no harm internationally;
- **prevention:** focusing on and investing in early action rather than just reacting to problems;
- **openness:** enabling engagement and accountability through openness and transparency;
- **evidence-based:** making decisions based on the best evidence available.

Future Generations Commissioner

An independent body, accountable to the Scottish Parliament should be set up by legislation with a remit to provide high level coordination and practical support to public agencies in meeting the public duties on wellbeing, sustainable development and the National Outcomes. The remit of this agency should also include power of scrutiny and the responsibility to report on progress. In order to be effective, it must be adequately resourced, empowered and independent of government.

Without oversight of and independent support for public authorities, as well as effective scrutiny, the legislation will fail to achieve its full potential for transformation. There is currently no independent body in Scotland with the remit and capacity to fulfil the role required.

Effective legislation therefore requires the **creation of an independent body** whose remit includes, supporting sustainable development and realising the National Outcomes. Sarah Boyack MSP's Private Member's Bill proposes this and, encouragingly, the Scottish Government's consultation also included consideration of it.

Such an organisation could deliver cost-effective support to public bodies, avoiding duplication of effort, while providing information, guidance and training. Consideration should also be given to ensuring appropriate levels of scrutiny and enforcement powers for the body and to its potential responsibility for reporting on progress.

We consider that the best approach to creating such a body would be a **Future Generations Commissioner**, which has proven effective in Wales in changing the public and political narratives surrounding the economy.¹⁴

For any questions related to the content of this briefing please contact: Lukas Bunse, Wellbeing Economy Alliance Scotland, lukas@scotland.weall.org

¹⁴ Sophie Howe, 2024. [Should Scotland establish an independent Commissioner for Future Generations?](#) Carnegie UK.